

13.02.2025.
12.
Ct.No.28.
as

C.R.R. 3733 of 2024

***In Re:- An application under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.***

In the matter of : ***Subhashis Aditya @ Subhasis Aditya
& Ors.***

.... Petitioners.

Mr. Soubhik Mitter,
Ms. Rajnandini Das.

...for the Petitioners.

1. Petitioners submit opposite party no.2 had withdrawn from matrimonial home on 27.02.2023. Thereafter, she had lodged a criminal case alleging cruelty being English Bazar Women Police Station No.141 of 2023 which has been stayed by this Court in CRR 824 of 2024. Subsequent thereto, impugned proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 has been instituted on similar allegations. Accordingly, learned Advocate prays for quashing of the said proceeding.

2. I have considered the materials on record. Criminal prosecution under Sections 498A/34 of the Indian Penal Code is different from a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005. While the former is a prosecution for committing mental and physical cruelty on housewife for demand of dowry or the cruelty is of such nature which is likely to drive the victim commit suicide or cause grave injury to her health, body and mind, the latter

proceeding has a much wider ambit including economic abuse i.e. non-payment of monetary relief to the aggrieved wife.

3. As scope and ambit of the proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is much wider, stay of the criminal prosecution would not justify stultifying proceeding under Section 498A of the Indian Penal Code *per se* would not justify stultifying the said proceeding which, inter alia, provide for multiple reliefs i.e. residence order, custody, monetary relief and compensation.

4. In such view of the matter, I do not find any reason to interfere with the impugned proceeding.

5. It is open to the petitioners to canvass their grievances before the learned Magistrate in accordance with law, if so advised.

6. Accordingly, the revision petition is disposed of.

7. Urgent Xerox certified copy of this order, if applied for, be given to the learned Advocate for the petitioner on usual undertaking.

(Joymalya Bagchi, J.)