

22.12.2025
Item No.8
Ct. No. 34
nb

CRR 3606 of 2022

In the matter of: **Chandana Halder.**

.....Petitioner.

Mr. Kunal Ganguly,

....For the Petitioner.

Mr. Debasish Ray, Ld. P.P.,

Mr. Imran Ali,

Ms. Debjani Sahu,

.... For the State.

1. This revisional application has been filed for quashing of proceeding being Purulia (S) Women Police Station Case No.7 of 2022 dated 07.02.2022 under Sections 498A/323/307/34 of Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961, now pending before the Court of the Chief Judicial magistrate at Purulia.
2. It is the case of the petitioner that she has been arrayed as an accused on the basis of the written complaint lodged by the opposite party no.2 alleging, inter alia, that the husband of the opposite party no.2 has entered illicit relationship with the daughter of the present petitioner. Accordingly, after investigation, the charge-sheet shall be submitted against the present petitioner, who is the resident of Purulia and in any way connected with the allegations that has been levelled against the other accused persons.
3. Learned counsel representing the petitioner submits that in the four corners of the written complaint, no materials/allegations are found to

attract Sections 323 and 307 of the IPC against the present petitioner and Section 498A is not applicable against her.

4. It is further submitted that principle accused/husband, who is having illicit relationship, as alleged, with Payel, who is the daughter of the petitioner for which the petitioner cannot be roped in any criminal case and the entire complaint is lodged with an ulterior motive only to harass the present petitioner.
5. The learned counsel representing the State has raised strong objection and submits that after marriage, the present petitioner became the family member of the husband and the provision of Section 498A is therefore applicable. That apart, there are sufficient materials against the present petitioner for which she must face the trial when prima facie allegations are proved as the charge-sheet has been submitted by the investigating authorities.
6. None appears to represent the opposite party no.2 despite receiving service. The affidavit of service has filed by the petitioner disclosed that the item was delivered on December 10, 2024.
7. Having heard both the learned counsels and after careful perusal of the content of the FIR prima facie, it is clear that the marriage of the de facto complainant and one Utpal Chandra was commenced on June 17, 2009. The present petitioner is the wife of the uncle of the de facto complainant. An allegation has been levelled in the said written complaint against her husband for having illicit relationship with Payel Halder, who is the daughter of the present petitioner.

Therefore, at the outset, it is apparent for the present petitioner is not a family member of the husband. Section 498A of the IPC reads as follows:

*“498A. Husband or relative of husband of a woman subjecting her to cruelty. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.
Explanation: For the purposes of this section, “cruelty” means-*
(a) any wilful conduct such is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health(whether mental or physical) of the woman; or
(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

8. The provision itself is clear that the same has been interconnected against the husband or relative of the husband of a women and this are the essential ingredients to attract Section 498A, which is absolutely missing so far as the petitioner is concerned since she is not the family member of the husband. So far as the other section is concerned, on a careful perusal of the content also it is seen that no specific Overt Act against the present petitioner is mentioned and the allegation is general and omnibus in nature. The statement given by the witnesses under Section 161 of the Code of Criminal procedure can be found from the Case Diary also do not suggest any such ingredients of sufficient materials to attract Section 307 or Section 323, so far the present petitioner is concerned. The opposite party, prima facie, disclosed the physical assault but no iota of material allegation is there against the present petitioner, who is not a family member of the husband.

9. It is settled proposition of law that in case bold allegations are made and in absence of prima facie materials if trial is allowed to be proceeded with, it would be gross abuse of the process of law. The criminal proceeding cannot be a tool to settle the scores of the de facto complainant only by causing reference of the same.
10. Considering the facts and circumstances as discussed above, the basic ingredients are not found to attract either of the Section under which charge-sheet has been submitted and therefore, this Court of the view that there will be gross abuse of the process of law if the matter is relegated to the Trial Court and the petitioner herein is to face the ordeal of trial.
11. In view of the above, the instant revisional application stands allowed.
12. Proceeding pending before the learned court against the petitioner stands quashed.
13. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)