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**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. No. 3996 of 2024

In Re : An application under Section 442 read with Section 528 of the BNSS.

And

In Re : Habibar Rahaman petitioner

Mr. Navanil De

Mr. Rajeshwar Chatterjee

..... for the petitioner

1. Learned Counsel for the petitioner submits two earlier criminal cases alleging cruelty were registered against him. Impugned proceeding is a harrassive one and is liable to be quashed.

2. We have considered materials on record. Opposite party no. 2 married the petitioner on 30.06.2021. It is alleged she had been tortured earlier and had lodged two criminal cases. In the present case she alleges fifteen days prior to registration of FIR petitioner had assaulted her resulting in miscarriage. Charge-sheet shows injury report was collected which shows though no external injury was noted there is incomplete termination of pregnancy.

3. Credibility of the allegations that incomplete termination of pregnancy was due to assault or not is to be examined in light of the materials collected during investigation. It would be premature to scuttle the proceeding at this preliminary stage.

4. Petitioner is at liberty to agitate all issues at the time of consideration of charge in accordance with law.

5. With this observation, application is disposed of.

6. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)