

CRR 3666 of 2023

**Rajdeep Dutta & Anr.
Vs.
State of West Bengal & Anr.**

**Mr. Monish Sen
Ms. Oisani Mukherjee
Ms. Maitrayee Chatterjee
.....For the Petitioners
Mr. Joydeep Bhattacharjee
.....For the Opposite Party No.2
Ms. Baisali Basu
Md. Sayeed Khan
.....For the State**

This is an application wherein both the petitioners have prayed for quashing the proceeding qua the petitioners.

It is submitted on behalf of the petitioners that they are the friends of the husband of the de facto complainant and they are no way connected with the alleged offence of demanding dowry or for any kind of torture in connection with demanding dowry and as such Section 498A or Section 3 or 4 of the Dowry Prohibition Act does not have any application against the present petitioners. However, the investigation has already been culminated into a charge sheet where the accused persons are also being chargesheeted under Section 406 along with section 498A of the Indian Penal Code, though, no allegation has been made against the present petitioners in connection with any entrustment of property or misappropriatio of any such property and as such the allegation does not constitute any offence under Section 406 of the Indian Penal Code also against the present petitioners.

Heard the learned counsels appearing on behalf of the petitioners and the State and I have also perused the materials available in the case diary. Admitted position in the present case is that the present petitioners are the friends of the husband and husband's friend's wife and as such Section 498A does not have any application against the present petitioners.

I have also gone through the materials in the case diary, which does not constitute any offence against the present petitioners under Section 406 of the Indian Penal Code in the absence of materials about entrustment of any property upon them or dishonest misappropriation thereof by the petitioners.

Having considered the overall circumstances, it appears to me that further continuance of the present proceeding against the present petitioners will be an abuse of the process of court.

In such view of the matter, CRR 3666 of 2023 is allowed. The impugned proceeding in G. R. No. 249 of 2022 arising out of Santiniketan Police Station Case No. 43 dated 21.03.2022 is hereby quashed qua the petitioners, namely, Rajdeep Dutta and Mrityika Khan Dutta.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Dr. Ajoy Kumar Mukherjee, J.)