

25.3.2025

Ct. No. 40

Item No.8

Samarpita

CRR 4156 of 2024

In Re: - An application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Naya Sanhita, 2023 in connection with Harishchandrapur Police Station Case No. 667 of 2024 dated 02.8.2024 under Sections 85/117(2)/109/351(2) of Bharatiya Nyaya Sanhita, 2023 in G.R. Case No. 2216 of 2024 pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda

And
Asit Singh & Ors.
Vs.

The State of West Bengal & Anr.

Mr. Pawan Kumar Gupta,
Mr. Jyotiraditya Mondal,
Mr. Santanu Sett,
Ms. Sofia Nesar ... for the Petitioner

Ms. Sreyashee Biswas, Ld. Sr. Govt. Pleader
Mr. Aritra Bhattacharya ... for the State

Affidavit of service filed by the petitioner is taken on record.

This is an application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Naya Sanhita, 2023 in connection with Harishchandrapur Police Station Case No. 667 of 2024 dated 02.8.2024 under Sections 85/117(2)/109/351(2) of Bharatiya Nyaya Sanhita, 2023 in G.R. Case No. 2216 of 2024 pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda.

The present petitioners are husband and in-laws of the respondent-wife.

Mr. Pawan Kumar Gupta, learned Counsel for the petitioners submitted that, the wife has a habit of making repeated criminal complaint against the husband and in-laws. The first criminal complaint was filed on 17.9.2021, second criminal complaint was filed on 10.01.2023, making almost same allegations. There are **in fact** allegations and counter allegations.

It is submitted by Mr. Pawan Kumar Gupta, learned Counsel for the petitioner that it is a desperate attempt of the respondent-wife to implicate the petitioner-husband falsely, not only for harassment but also for some illegal gain.

I have perused the Case Diary.

Ms. Sreyashee Biswas, learned Senior Government Pleader, invited my attention to the submissions of the witnesses, as well as, the injury report. The injury report shows scratch marks which are simple in nature. It is also seen that as per the statement of the respondent-wife, she was assaulted and injured on 30.7.2024, but she was examined on 07.8.2024. Written complaint and allegations are not substantiated. Statement of the witnesses are “cut-copy-paste” and sweeping in nature. The materials on record, very clearly indicates that this is a case of false implication.

Accordingly, the above mentioned prosecution being G.R. Case No. 2216 of 2024 pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda, stands quashed.

The instant criminal application being **CRR 4156 of 2024** stands disposed of.

The copy of this application is communicated to the learned Additional Chief Judicial Magistrate, Malda.

Case Diary may be returned to the learned Counsel for the State.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)