

25.3.2025
Ct. No. 40
Item No.10
Samarpita

CRR 4166 of 2024

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973 (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with G.R. Case No. 1042 of 2018, corresponding to Dum Dum P.S. Case No. 140 of 2018, under Sections 498A/406/34 of Indian Penal Code, 1860 pending before the Learned Judicial Magistrate, 4th Court, at Barrackpore

And
Prasenjit Barua
Vs.
Subhra Barua & Anr.

Mr. Sabir Ahmed,
Mr. Amit Karmakar,
Mr. Tasnim Ahamed,
Mr. Ezaz Ahmed ... for the Petitioner

Ms. Anasua Sinha, Ld. Sr. Counsel
Ms. Sreetama Das ... for the State

Affidavit of service is taken on record.

The instant application is filed under Section 482 of the Code of Criminal Procedure, 1973 (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with G.R. Case No. 1042 of 2018, corresponding to Dum Dum P.S. Case No. 140 of 2018, under Sections 498A/406/34 of Indian Penal Code, 1860 pending before the Learned Judicial Magistrate, 4th Court, at Barrackpore, praying for quashing the Charge Sheet No. 224 of 2018 dated 30th May, 2018.

Mr. Sabir Ahmed, learned Counsel for the petitioner submitted that there was a divorce proceeding against the wife, namely, the *de facto* complainant which resulted in dissolution of marriage by decree of divorce, on the ground of cruelty. A copy of the order dated 4.6.2019 is filed herewith.

The matrimonial Court came to the conclusion that the *de facto* complainant perpetrated mental and physical cruelty on the petitioner-husband.

Ms. Anusuya Sinha, learned Senior Counsel appearing for the State, invited the attention to the statement of witnesses and also a medical report, which is in the Case Diary. The medical report shows that the *de facto* complainant is a victim for her excessive anger and in the fit of excessive anger, she loses control of herself and her actions, and even she flung hot oil on her husband in such a fit of anger.

Statement of witnesses are sweeping only, without have any specific details.

On hearing both the Counsels and on perusal of the Case Diary, I find that it is a fit case to exercise jurisdiction invoked herein.

Accordingly, G.R. Case No. 1042 of 2018, corresponding to Dum Dum P.S. Case No. 140 of 2018 pending before the Learned Judicial Magistrate, 4th Court, at Barrackpore, stands quashed.

The instant criminal application being **CRR 4166 of 2024** stands disposed of.

The copy of this application is communicated to the learned Additional Chief Judicial Magistrate, 4th Court, at Barrackpore, North 24 Parganas for onward transmission to the concerned Trial Court.

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.)