

21.3.2025
Ct. No. 40
Item No.5
Samarpita

CRR 4187 of 2024

In Re: - An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973, corresponding to under Section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case No. 656 of 2023 Chanditala Police Station Case No. 197 of 2023 under Sections 498A/313 of the Indian Penal Code

And
Basiruddin Halder
Vs.
The State of West Bengal & Anr.

Mr. A.k. Samanta, Ms. Varsha Roy	... for the Petitioner
Mr. Suman De, Ms. Trisha Rakshit	... for the State

This is an application filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 and under Sections 442/528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

The *de facto* complainant being the wife lodged written complaint alleging repeated torture by the husband. The husband is the petitioner herein.

Materials in the Case Diary, particularly the statements and medical report contradicts the statements contained in the written complaint, as well as, of the witnesses.

Although, it is stated that the husband kicked on abdomen of the wife, which resulted in miscarriage necessitating treatment in hospital, the hospital report shows that she fell in bathroom, as stated. There are allegations of subsequent physical assaults, although. injury report does not

disclose any external injury. The material on record as it appears from the Case Diary, does not support the allegations. Rather, materials on record contradict those allegations. Statements of the witnesses are not corroborated by the materials on record, specially, the medical papers.

On perusal of Case Diary and other materials, I am of the opinion this is a fit case for quashing. On the basis of some contradictory materials and allegations, a person should not be allowed to undergo the ordeal of criminal trial.

Accordingly, the instant criminal revision being **CRR 4187 of 2024** stands quashed.

Petitioner is released from the bail bond.

Copy of this order may be communicated to the Learned Additional Chief Judicial Magistrate, at Serampore, Hooghly.

The 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.)