

C.R.R. 4263 of 2024

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of Bharatiya Nagarik Surakshya Sanghita, 2023 arising out of Raghunathpur Women Police Station Case no. 25 of 2021 dated 27.12.2021 under Section 498A of the Indian Penal Code pending before the Judicial Magistrate 1st Court, Raghunathpur, Purulia

And

Santanu Das

Vs.

The State of West Bengal & Anr.

Mr. Arnab Mukherjee,

Ms. Shreyasi Manna,

....For the petitioner

Ms. Sreyashee Biswas,

Ms. Sudeshna Das

....For the State

Affidavit-of-service filed on behalf of the petitioners be kept with the record.

The instant application is filed under Section 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of Bharatiya Nagarik Surakshya Sanghita, 2023 praying for quashing of Charge Sheet being Charge Sheet No. 3 of 2022 dated 31.01.2022 under Section 498A/494/406 of the Indian Penal Code, 1860 arising out of Raghunathpur Women Police Station Case No. 25 of 2021 dated 27.12.2021 under Section 498A of the Indian Penal Code and the G.R. Case No. 883 of 2021 presently pending before the Judicial Magistrate 1st Court, Raghunathpur, Purulia.

The learned Counsel for the petitioner submitted that there is no valid marriage between the petitioner and the de facto complainant. Therefore, Section 498A cannot be attracted.

Miss Biswas, learned Counsel for the State submitted that the present petitioner has already a married wife and two daughters. This is a second marriage with the present petitioner.

Perused the Case Diary which contains incriminating elements against the present petitioner. The petitioner's conduct is culpable. Considering the prima facie, material against the petitioner, this Court is not inclined to quash the charge-sheet proceeding as prayed for.

The instant application stands disposed of.

Petitioner is given liberty to raise all the issues at the time of consideration of charge.

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

It is made clear that observation made here are tentatively.

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

(Sugato Majumdar, J.)