

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**  
**Appellate Side**

**Present:**

**The Hon'ble Justice Ajay Kumar Gupta**

**C.R.R. 5469 of 2024**

**With**

**CRAN 1 of 2025**

**Sri Sourav Roy & Ors.**

**Versus**

**The State of West Bengal & Another**

**For the Petitioners** : Ms. Baisali Ghoshal, Adv.

**For the Opposite Party No. 2** : Mr. Soumik Ganguli, Adv.  
Ms. Chandana Chakraborty, Adv.  
Ms. Priti Burman, Adv.

**For the State** : Mr. Saibal Bapuli, Addl. PP  
Ms. Pallavi Priyadarshee, Adv.

**Heard on** : 17.07.2025

**Judgment on** : 30.07.2025

**Ajay Kumar Gupta, J:**

**1.** Petitioners have preferred this Criminal Revisional application under Section 482 of the Code of Criminal Procedure, 1973 (In short 'CrPC') corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking quashing of the proceeding being G.R. Case No. 1229 of 2024 arising out of Bankura Women Police Station Case No. 118 of 2024 dated 08.09.2024 under Sections 85/115(2)/351(2)(3)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short BNS) read with Sections 3/4 of the Dowry Prohibition Act, 1961 pending before the Court of the Learned Chief Judicial Magistrate, Bankura and all orders passed therein in connection with the instant case.

**2.** The brief facts of this case are relevant for the purpose of disposal of this case are as under: -

**2a.** The Petitioner No. 1 is the husband of Opposite Party No. 2 – Smt. Sharmila Sengupta (Roy). The Petitioner No. 2 is the father-in-law and Petitioner Nos. 3 and 4 are the uncle and aunt in-laws of Opposite Party No. 2. The marriage between the Opposite Party No. 2 and Petitioner No. 1 was solemnized on 17.01.2023 according to Hindu Rites and Customs and, thereafter, they started residing

together as husband and wife at the matrimonial home situated at Barakar Road, Purulia Town, Purulia.

**2b.** However, on and from 10.03.2024, the Opposite Party No. 2, owing to her service, voluntarily began residing separately from the Petitioner No. 1 at 2/44, Azadgarh, near Azadgarh Market, Police Station – Golf Green, Kolkata – 700 040.

**2c.** On the basis of written complaint of Opposite Party No. 2 dated 24.08.2024, an FIR was registered being Golf Green Police Station Case No. 193/2024 dated 24.08.2024 under Sections 115(2)/126(2)/79 of the BNS, 2023 corresponding to G.R. Case No. 4787 of 2024 against the Petitioner No. 1 and initiated investigation thereof. The allegations levelled against her husband in the written complaint dated 24.08.2024 are, *inter alia*, to the effect that on 17.08.2024 at around 7.30 A.M., the Petitioner No. 1 came to the residence of the Opposite Party No. 2 where she was temporarily staying under the Golf Green Police Station and picked up a quarrel, physically assaulted her, used filthy and abusive languages and issued threats to her life. After such incident, the Opposite Party No. 2 traumatized and fell ill. She received medical treatment at SSKM Hospital on 24.08.2024.

**2d.** The Opposite Party No. 2, under gross abuse of process of law, on the self-same issue and cause of action, lodged another complaint on 08.09.2024 to the Officer-in-Charge, Bankura Women Police Station against the Petitioner No. 1 and other in-laws (including Petitioner Nos. 2 to 4) and in pursuant to the said complaint, another case being Bankura Women Police Station Case No. 118 of 2024 dated 08.09.2024 under Sections 85/115(2)/351(2)(3)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of the Dowry Prohibition Act, 1961 was registered corresponding to GR Case No. 1229 of 2024.

**2e.** The Petitioner Nos. 2, 3 and 4 contended that they reside separately and they were in no way connected with the matrimonial affairs of the Petitioner No. 1 and Opposite Party No. 2. They were also in no way involved in their day to day household matters and/or matrimonial life of the Petitioner No. 1 and Opposite Party No. 2. However, in the second complaint, the Opposite Party No. 2 made an allegation to the effect that “at the time of marriage, as per demand of the Petitioner No. 1 and his family members, the Opposite Party No. 2 gave cash of Rs. 3 Lakhs, gold jewellery and other articles. Despite providing such dowry, the Opposite Party No. 2 was physically and mentally tortured in order to demand additional dowry. She further claimed that upon confronting Petitioner No. 1 regarding his

extramarital affairs, she was threatened with death. While she was residing with the Petitioner No. 1 in Hyderabad for the professional reasons, the Petitioner No. 1 attempted to kill her by suffocating her face with a pillow in an intoxicated condition on 08.03.2024. On 17.08.2024, she was again physically assaulted and severely injured by Petitioner No. 1 and, for that assault, she had lodged a criminal case at Golf Green Police Station against the Petitioner No. 1. Thereafter, while she was residing in her parental home, the Opposite Party No. 2 was pressurised by the petitioners to withdraw the aforesaid case and also given death threats”.

**2f.** According to the Petitioners, both the FIRs have been registered on the basis of false and frivolous allegations. However, being a responsible and law-abiding citizen of India, Petitioner No. 2 surrendered before the Court of the Learned Judicial Magistrate, Bankura in connection with Bankura Women Police Station Case No. 118/2024 and he was enlarged on bail vide an order dated 18.09.2024.

**2g.** Petitioner Nos. 1, 3 and 4 were enlarged on anticipatory bail vide order dated 08.10.2024 by the Learned Sessions Judge, Bankura in connection with Bankura P.S. Case No. 118 of 2024. The Petitioner No. 1 also surrendered before the Court of the Learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas in connection

with Golf Green P.S. Case No. 193 of 2024 and he was enlarged on bail vide an order dated 12.09.2024. According to the petitioners, both the cases are false, fabricated and frivolous. Hence, this Criminal Revisional application.

**SUBMISSION ON BEHALF OF THE PETITIONERS:**

**3.** Ms. Ghoshal, learned counsel appearing on behalf of the Petitioners vehemently argued and submitted that the allegations, whatsoever, levelled in the written complaints are concocted, vague, general and omnibus without mentioning the particular time, mode and manner of physical and mental torture. The complaints are completely bereft of any specific act of the Petitioner Nos. 2 to 4. Actually, the Opposite Party No. 2 resided in matrimonial home for a period on and from 17.01.2023 to 09.03.2024. But, she alleged that on 17.08.2024, the Petitioner No. 1 suddenly visited her residence at Golf Green at around 7.30 AM and picked up a quarrel and assaulted her physically. No reason, whatsoever, was assigned by the Opposite Party No. 2 in the first written complaint. She alleged that she was treated in the hospital on 24.08.2024 after expiry of one week and lodged complaint on 24.08.2024 without explaining the reason of delay.

**3a.** It was further submitted that in the second complaint, she made allegation of demand of dowry first time almost expiry of 1 year, 7 months and 22 days from the date of her marriage without any explanation and supporting any documents. Even both the FIRs took at its face value and accepted entirety, she did not disclose any cognizable offence and made out a case against the Petitioners. Due to such vague, false and frivolous allegations, two proceedings i.e. one only against the Petitioner No. 1 and other against all the Petitioners are unwarranted and a gross abuse of process of law. Therefore, the proceeding being G.R. Case No. 1229 of 2024 arising out of Bankura Women Police Station Case No. 118 of 2024 dated 08.09.2024 under Sections 85/115(2)/351(2)(3)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of the Dowry Prohibition Act, 1961, is liable to be quashed.

**SUBMISSION ON BEHALF OF THE OPPOSITE PARTY NO. 2:**

**4.** Mr. Ganguli, learned counsel appearing on behalf of the Opposite Party No. 2 vehemently opposed the prayer for quashing of the proceedings and further submitted that two different FIRs were lodged for two different incidents. The first incident took place on 17.08.2024 when her husband physically assaulted her badly in her residence situated under Golf Green Police Station and second complaint lodged with the Bankura Women Police Station with regard

to demand of dowry and physical and mental torture inflicted upon her by the petitioners and also misappropriating her stridhan articles. They further threatened to withdraw the previous complaint. Therefore, both the cases cannot be said to be initiated on the basis of the same incident or allegations.

**4a.** It was further submitted that the written complaint or FIR has disclosed the cognizable offence committed by the Petitioner though it is not in details. The same may be considered after full-fledged trial. Therefore, the prayer for quashing of the Petitioners is liable to be rejected and this Criminal Revisional application should be dismissed so that trial may be commenced in accordance with law.

**SUBMISSION ON BEHALF OF THE STATE:**

**5.** Learned counsel representing the State produced two Case Diaries and further submitted that during investigation, sufficient materials were collected by the Investigating Officer against the present Petitioners. In another case, a charge sheet has been submitted being Golf Green P.S. Charge Sheet No. 237/24 dated 16.10.2024 under Sections 115(2)/126(2)/79 of BNS against the Petitioner No. 1, therefore, this application is liable to be dismissed.

**DISCUSSION AND FINDINGS BY THIS COURT:**

**6.** Having heard the rival arguments and submissions made by the learned counsels appearing on behalf of the parties and upon perusal of the materials available in both the Case Diaries and the documents annexed with this Revisional application, this Court finds that the Opposite Party No. 2/wife lodged two separate complaints one against her husband only and another against husband and other in-laws.

**7.** In the first complaint, she alleged that her husband came on 17.08.2024 at around 7.30 A.M to her place of residence at Golf Green, where she was temporarily staying and picked up a quarrel and physically assaulted her, used filthy languages and also issued life threats to her. After such incident, the Opposite Party No. 2 traumatized and fell ill. She received medical treatment at SSKM Hospital on 24.08.2024. The said case is not pending before this for consideration and disposal. Therefore, this Court precludes to consider and comment on it. However, from perusal of another Case Diary of this case, there is no allegation against others even for demand of dowry. It appears from the subsequent written complaint that first time issue of demand of dowry raised against all the petitioners after expiry of more than 1 and a half year. Rather, she was not residing in matrimonial home on and from 10.03.2024. She

resided at her matrimonial home for less than 3 months. She did not lodge any complaint either prior to leaving or even after leaving till 16.08.2024.

**8.** The allegation of dowry demand was first raised in the second complaint implicating not only the husband but also the other in-laws, despite their residing separately. From the contents of the complaint and the material on record, this Court finds same is general and vague allegation against the said Petitioners Nos. 2 to 4 with respect to any demand of dowry or threat made to compel withdrawal of the earlier criminal case lodged against Petitioner No. 1.

**9.** It further appears from the first complaint that she has restricted the allegations only against her husband regarding physical assault and threats. Even no allegation made with regard to demand of dowry against anyone including her husband. No reason has been assigned for the physical assault and threats.

**10.** From the perusal of the FIR and the statements recorded under Section 161 of the CrPC during investigation, it reveals that the allegations are general, omnibus and lacking in particulars with regard to other in laws. No details have been given with regard to the particular name, date, time, mode and manner of inflicting torture

either mental or physical by in-laws. In such a situation, a person cannot be allowed to face the trial. The Hon'ble Supreme Court, time and again, reiterated that the proceedings against any accused should not be allowed to continue unless there is a specific allegation or specific role attributed against the accused.

**11.** When there is no specific role attributed or allegation levelled against the particular accused and no details regarding date, time and manner of such physical assault or mental torture has been mentioned, then such proceeding should be nipped in the bud. Otherwise, the accused would be greatly prejudiced. Continuation of such criminal proceeding would put the accused to great oppression and harassment without any their fault.

**12.** It would be apposite to refer to a recent decision of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana and Ors. Vs. State of Telangana and Anr.***<sup>1</sup> where the Hon'ble Supreme Court specifically dealt with the case involving offence under Section 498A of IPC and whether the same are attracted to vague allegations raised by the complainant/Opposite Party No. 2/wife and finally observed as follows in paragraph nos. 27 and 30 as under: -

*“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute,*

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<sup>1</sup> (2025) 3 SCC 735: 2024 SCC OnLine SC 3682

*without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*

*30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and*

*his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”*

**13.** This Court is conscious of the settled legal position that the FIR is not supposed to be an encyclopaedia, which indicates each and every minute's details. However, during investigation, allegations should be corroborated by substantive evidence. Upon perusal of the complaint, it appears that the allegations made by the complainant are that the complainant got married on 17.01.2023 to the Petitioner No. 1 according to Hindu Rites and Customs. She alleged that she was subjected to torture both mentally and physically by her husband and in-laws by demanding more money after expiry of more than 1 and half year. When she failed to satisfy their demand, she was physically and mentally inflicted tortured. No specific role was attributed to the in-laws with regard to the allegations or incident of physical and mental cruelty. No particular name, date, time or manners of inflicting such tortures have been mentioned. Merely

vague, omnibus and bald allegations have been made against the in-laws with regard to physical and mental torture, therefore, it does not constitute offence punishable under Sections 85/115(2)/351(2)(3)/316(2)/3(5) of the BNS, 2023. Even in another proceeding initiated by the Opposite Party No. 2/wife indicates only allegation against her husband with regard to inflicting physical assault and threats. Not a single allegation has been made against any other in-laws in the said proceedings. So, it indicates whatever allegations made in the second FIR appears to be vague and omnibus only to harass the in-laws for her ulterior purpose which led to this Court to conclude that the proceeding initiated against the petitioner nos. 2 to 4, who are basically in-laws are only for harassing them with an ulterior motive. Therefore, this Court holds that the continuation of the criminal proceeding against in-laws would result in an abuse of process of law.

**14.** Upon perusal of the statements recorded under Section 161 of CrPC, this Court finds that no specific allegations or distinct roles played by in-laws were mentioned by the witnesses in respect of allegations. Incident of assault took place on 17.08.2023 at her temporary residence at Golf Green, where she was assaulted by her husband only and she was treated at SSKM Hospital. It further appears whatever allegations made against the husband. Furthermore, he assaulted her while they were residing in

Hyderabad. She alleged that the Petitioner No.1 has illicit relationship with his aunt's maid's daughter. He received messages and video call from this individual and when she protested on 8<sup>th</sup> March, 2024 he tried to kill her by suffocating her with a pillow. She somehow managed to escape from his clutch but again on 9<sup>th</sup> March, 2024 forcefully her husband picked up a quarrel with her and again assaulted her mercilessly and after he left the house without giving a second thought of her life left her alone there. She also lodged complaint against her husband on 19.06.2024 to the Officer-in-Charge, Narshingi Police Station, Gandipet, Narsingi, Telangana. Careful perusal of 161 and 164 statements of the Opposite Party No. 2 and other witnesses, it reveals reason for matrimonial discords between husband and wife is total different reasons.

**15.** After careful scrutiny of the materials available in the Case Diary, this Court does not find any sufficient or cogent evidence against the in-laws, who are Petitioner Nos. 2 to 4. Even, for the sake of argument, the proceeding was to be continued, the conviction of the Petitioner Nos. 2 to 4 appears bleak and remote. To secure the ends of justice, the proceeding is deserved to be quashed under the inherent power granted under Section 482 of the CrPC insofar as the Petitioner Nos. 2 to 4 are concerned.

**16.** We should not forget at this moment the well-settled law declared by the Hon'ble Supreme Court in the case of ***State of Haryana & Ors. vs. Bhajanlal & Ors.***<sup>2</sup>. The Hon'ble Supreme Court has laid down the basic points for consideration pursuant to which a complaint may be entertained in accordance with law before a Court of law. The Hon'ble Court has laid down as to when the extraordinary power of this Court under Section 482 of the Code of Criminal Procedure, 1973 may be espoused. Relevant portion thereof may beneficially be quoted herein below: -

*“102. This Court in the backdrop of interpretation of various relevant provisions of CrPC under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:*

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<sup>2</sup> AIR 1992 SUPREME COURT 604; 1992 Supp. (1) Supreme Court Cases 335

*(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

*(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*

*(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

*(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

*(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that*

*there is sufficient ground for proceeding against the accused.*

*(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.*

*(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

**17.** In the light of above discussions and in view of the observations made by the Hon’ble Supreme Court in the above cited judgment, this Court fully satisfies that this case falls in the Categories mentioned in 1, 3 and 5 above with regard to the in-laws are concerned.

**18.** Accordingly, **CRR No. 5469 of 2024** is, thus, **partly allowed. CRAN 1 of 2025** is also, thus, disposed of.

**19.** Consequently, the proceeding being G.R. Case No. 1229 of 2024 arising out of Bankura Women Police Station Case No. 118 of

2024 dated 08.09.2024 under Sections 85/115(2)/351(2)(3)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4 of the Dowry Prohibition Act, 1961 pending before the Court of the Learned Chief Judicial Magistrate, Bankura is hereby quashed insofar as the Petitioner Nos. 2 to 4 are concerned and all orders passed therein in connection with the Petitioner Nos. 2 to 4 are also set aside.

**20.** This Court, however, makes it clear that the complaint against the husband of the Opposite Party No. 2, namely, Sourav Roy will be decided on its own merits by the Learned Magistrate concerned independently and in accordance with law without influencing by any observations made by this Court.

**21.** Let a copy of this Judgment be sent to the Learned Court below for information.

**22.** Interim order, if any, stands vacated.

**23.** Case Diary(s), if any, be returned to the learned counsel for the State.

**24.** Parties shall act on the server copies of this Judgment uploaded on the official website of this Court.

**25.** Urgent photostat certified copy of this Judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

**(Ajay Kumar Gupta, J)**

P. Adak (P.A.)