

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 29 of 2025

Shri Tribhuwan Singh

Vs.

The State of West Bengal & Anr.

For the petitioner

:Mr. Ajay Singhal, Adv.

Mr. Heera Yasmin Shaikh. Adv.

Ms. Chiroshree Dey, Adv.

For the Opposite
party no. 2

:Kumar Shantanu, Adv.

For the State

:Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Ujjwal Luksom, Adv.

Heard On :

:03.04.2025

Judgment On

:11.04.2025

Bibhas Ranjan De, J. :

1. The instant criminal revision is filed at the behest of the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (for short BNSS) seeking quashing of the proceedings being G.R. Case no. 3274 of 2023 presently pending before the Court of Ld. Chief Judicial Magistrate, Jalpaiguri arising out of New Jalpaiguri Police Station Case No. 626 of 2023 dated 24.06.2023 under Sections 498A/323/506/109 of the Indian Penal Code (for short IPC).
2. The Prosecution case in a nutshell as alleged in the written complaint made by the opposite party no. 2 herein to the concerned officer in-charge of New Jalpaiguri Police Station is to the effect that the opposite party no. 2 on 18.02.2022 married the accused no.1 namely Joy Kumar Deb. But soon after marriage, accused no. 1, 2 & 4 started torturing the opposite party no. 2 mentally and gradually it started increasing with the inclusion of Accused no. 3 & 4 along with the petitioner alleging *inter alia* that the petitioner and the accused no. 4 made instigation to the husband/accused no. 1 and in-laws of the opposite party no. 2.

3. It has been further alleged that on 02.01.2023 when the opposite party no. 2 returned from her parental home, the accused persons along with the petitioner started abusing the opposite party no. 1 and upon instigation the opposite party no. 2 was slapped by her husband and sent back to her parental home. Again on 18.02.2023 when the opposite party no. 2 tried to make an attempt to return to her matrimonial home, the accused no. 1, 2 & 3 started insulting the father of the opposite party no. 2/defacto complainant and finally when she informed the alleged incident to her parents over phone, the parents of the complainant along with some relatives came to the matrimonial house of the opposite party no. 2 where the accused persons insulted them with abusive language and finally compelled the opposite party no. 2 to leave her matrimonial home.

4. Based on the above mentioned complaint, a specific case was registered as New Jalpaiguri P.S. Case No. 626 of 2023 wherein police after investigation filed charge sheet under Sections 498A/323/506/109 of the IPC against six (6) accused persons including the petitioner which in turn gave rise to G.R. Case no. 3274 of 2023. Being aggrieved with the

instant criminal proceeding the petitioner has preferred the instant revision.

Arguments advanced :-

5. Ld. Counsel, Mr. Ajay Singhal, appearing on behalf of the petitioner submits that there are no specific allegations made against the petitioner save and except usage of some abusive words. He has further raised a doubt about the presence of the petitioner on the relevant dates of occurrence by relying on the application made by the defacto complainant under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short D.V. Act) wherein the presence of the petitioner was not mentioned whatsoever on the alleged dates of incident referred to in the complainant.
6. Before parting with, Mr. Singhal has tried to make this Court understand that the allegations are general and omnibus in nature. In this regard, He has referred to the charge sheet filed against the petitioner and submits that the charge sheet is only replica of the facts stated in the written complaint. Moreover, no other incriminating article has been seized nor any statement of eye witnesses of the alleged incidents have been examined under Section 164 of the Code of Criminal

Procedure (for short CrPC) which would disclose the involvement of the petitioner.

7. Therefore, Mr. Singhal vehemently concluded his argument by stating that continuance of such criminal proceeding against the petitioner would be nothing but a gross abuse of the process of law and accordingly prays for quashing of the same.

8. In support of his contention, Mr. Singhal relying on the following cases:-

- ***Kailashben Mahendrabhai Patel and others vs. State of Maharashtra and another*** reported in **2024 SCC OnLine SC 2621**
- ***Kahkashan Kausar Alias Sonam and other vs. State of Bihar and others*** reported in **(2022) 6 Supreme Court Cases 599**
- ***Sipra Majumdar vs. State of West Bengal and another*** reported in **2023 SCC OnLine Cal 748**

9. On the other hand, Ld. Counsel, Mr. Kumar Shantanu appearing on behalf of the opposite party no. 2 has opposed the arguments advanced on behalf of Mr. Singhal and by relying on the written complaint submits that it is not the case that the exact role of the petitioner has not been substantiated

by the opposite party no.2. Mr. Shantanu further submits that the contents of the written complaint as well as the investigation would clearly suggest that a prima facie case is well established against the petitioner and therefore he strongly opposes the prayer for quashment of the proceedings as intervention of this Hon'ble Court, at this juncture by invoking inherent jurisdiction would highly prejudice the entire case of the prosecution.

- 10.** Mr. Aditi Shankar Chakraborty, Ld. Additional Public Prosecutor appearing on behalf of the State has strongly refuted the contention adduced on behalf of the petitioner and submits that investigation made by the police leads to a reasonable presumption of the involvement of the petitioner/accused in the offences alleged and the prosecution should be given adequate opportunity to prove their case during trial.

Analysis:-

- 11.** Before delving into the discussion about the merit of the case, for brevity of discussion it would be profitable to first discuss the main ratio of the cases relied on behalf of the petitioner which clearly indicates that false implication by way

of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, the Courts should be extremely cautious while proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

- 12.** At the very outset, it would be important to discuss about the ultimate object of justice which is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these kind of complaints. The tendency of implicating husband and all his immediate relatives is also very much prevalent. It is the duty of the Court to be extremely cautious and careful in dealing with these kind of complaints. Pragmatic realities must be taken into consideration while dealing with matrimonial cases. Therefore, the allegations of the complaint are required to be scrutinized with great circumspection. The allegation of harassment caused by husband's close relations who rarely visit the place where the complainant resides would give it a different complexion to the dimension of the case altogether.

13. In the premises set forth above, If I now come to the case at hand, a conscientious glance at the written complaint would clearly suggest that there is no specific allegation with regard to the exact role of the petitioner in committing the offences alleged save and except the usage of abusive language. If I juxtapose the FIR as well as the charge sheet, it would be clear that the charge sheet filed against the petitioner is nothing but only a reiteration of the facts stated in the written complaint. A careful perusal of the charge sheet as well as the seizure list would further suggest that the Investigating Officer seized only one wedding invitation card and no other incriminating article has been seized. Moreover, the statement of the witnesses collected under Section 161 of the CrPC would further show that there is mere mentioning of abatement which is done at the behest of the petitioner but no specific description with regard to the exact role of the petitioner has been substantiated.

14. While dealing with the cases involving issues of similar nomenclature like the one that is being dealt with by this Court, the Hon'ble Apex Court in a plethora of decisions has time and again reminded the Courts to be extremely careful in

proceeding against distinct relatives of the husband. They should not be roped in on the basis of **omnibus allegations** unless specific instances of the involvement are made out.

15. Upon consideration of the relevant circumstances and in absence of any specific role attributed to the petitioner, I think it would be unjust if the petitioner is forced to go through the tribulations of a trial. It is a settled proposition of law that a criminal trial which might lead to an eventual acquittal also inflicts severe scars upon the accused.

16. While dealing with the case of quashment of the proceeding, the Court cannot go beyond the averments of the written complaint and take into consideration the plea of the defence. As in the instant case the FIR does not disclose specific allegation against the petitioner except the casual reference to him it would be a gross abuse of the process of Court if a criminal proceeding is allowed to linger further as this practices **should be strongly nipped at the bud.**

17. In the light of the discussion enshrined hereinabove the proceeding corresponding to G.R. Case no. 3274 of 2023 arising out of New Jalpaiguri Police Station Case No. 626 of 2023 is hereby quashed against the **petitioner only.**

- 18.** As a sequel, the instant revision application, being no. CRR 29 of 2025 stands allowed.
- 19.** Case diary be returned at once.
- 20.** Connected applications, if there be any, stand disposed of accordingly.
- 21.** Interim order if there be any stands vacated.
- 22.** All parties to this revision application shall act on the server copy of this order downloaded from the official website of this Court.
- 23.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]