

10.02.2026

Sl. No. DL 33
Court No. 42

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Case No.

CRR 733 of 2025

In Re : An application under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section
482 of the Code of Criminal Procedure, 1973.

-AND-

In the matter of :

BASUDEB DAS SHARMA alias BASUDEB DAS SARMA & ANR.

.....Petitioners

For the Petitioners :

Mr. Shetaroop Purkayastha
Ms. Jagriti Bhattacharya

...Advocates

For the State :

Mr. Debasish Roy, Public Prosecutor
Ms. Shaila Afrin
Ms. Poulami Bose

...Advocates

1. Affidavit of service filed today be taken on record.
2. Learned counsel appearing for the petitioner submits that the de facto complainant / private opposite party no.2 has been served. Learned counsel further submits that the FIR no.574 of 2016 qua the principal accused, i.e., Pradipta Das Sharma, the husband of the de facto complainant has already been quashed by a Co-ordinate Bench of this Court vide order dated 9th December, 2024 passed in CRR 1572 of 2019. Furthermore, he submits that the de facto complainant / wife has not been appearing before any Court and another case filed by her for maintenance has also been dismissed. He submits that since the FIR against the husband has already been quashed, the present FIR qua the

present petitioners who are the father-in-law and brother-in-law may also be quashed.

3. Learned counsel for the State has filed a report of Inspector Subhrajit Majumder, Officer-in-Charge, Belghoria Police Station dated 1st January, 2026. Let it be taken on record.
4. Learned counsel appearing for the State submits that the case diary of this case is not available. She has candidly submitted that as per the chargesheet, the allegations against the present accused persons / petitioners are general in nature and there was no specific allegation against any of the present petitioners also.
5. The Court has considered the submissions made by both the parties.
6. In the earlier proceeding being CRR 1572 of 2019, the de facto complainant did not appear also. The Co-ordinate Bench of this Court while disposing of the petition, inter alia, observed :-

“... Coming to the facts of the present case it appears from the contents of complaint as well as three statements recorded during investigation that general allegations are leveled against the accused persons including present petitioner the complainant alleged that “sasur bari lokera” (men of matrimonial house) had inflicted torture upon her. No Specific and distinct allegations have been made against any of the accused including petitioner herein.

In Neelu Chopra & another Vs. Bharti, (2009) 10 SCC 184, Apex Court specifically

held what is required to brought to the notice of the court in lodging a proper complaint paragraph 9 & 10 runs as follow:-

“9. In order to lodge a proper complaint, mere mention of the sections and the language of those sections is not the be all and end all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing of that offence.

10. When we see the complaint, the complaint is sadly vague. It does not show as to which accused has committed what offence and what is the exact role played by these appellants in the commission of offence. There could be said something against Rajesh, as the allegations are made against him more precisely but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a vague and general complaint which is silent about the precise acts of the appellants.”

Therefore on perusal of FIR, the final report and all other documents accompanying it, I am satisfied that no case is made out against the petitioner and the pendency of the proceeding against him is an abuse of process of court.”

7. It has repeatedly been held by the Constitutional Court that in absence of any specific allegation, the continuation of the proceedings may amount to misuse / abuse of the process of law. The continuation of such proceedings are also wastage of the precious time of the Court as in absence of any credible material, case would not reach to any logical

conclusion. The complainant seems to have lost her interest.

8. Taking into account the facts and circumstances of this case and the fact that the FIR has already been quashed qua the principal accused, i.e., the husband, the present petition is allowed.
9. Accordingly, G. R. case no.4898 of 2016 presently pending before the Additional Chief Judicial Magistrate at Barrackpore arising out of Belghoria PS case no.574 of 2016 dated 21.07.2016 under Sections 498A and 406 of the Indian Penal Code is quashed qua the present petitioners.
10. The instant revisional application, thus, stands disposed of.
11. All other proceedings emanating out of the said FIR are also quashed qua the present petitioners.
12. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
13. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)