IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR

CRR 1626 OF 2024
CRAN 1 OF 2024

GEETA ADHIKARY @ GITA ADHIKARY
-VS-
STATE OF WEST BENGAL AND ANR.

For the Petitioner : Mr. Soumya Basu Roy Chowdhury
Mr. Aritra Bhattacharyya

For the State : Mr. Ooiseeroop Sinha

Reserved on : 05.10.2026

Pronounced on : 07.10.2026

UDAY KUMAR, J.: –

1. The present criminal revisional application under Section 482 of the Code of Criminal Procedure, 1973, has been preferred by the petitioner, Geeta Adhikary @ Gita Adhikary, who is a 52-year-old lady working as an Assistant Teacher at Paschim Noapara Primary School, calling in question the legality, validity, and continuation of the criminal proceeding arising out of Amta Police Station Case No. 374 of 2022 dated 04.12.2022 (corresponding to G.R. Case No. 2864 of 2022), along with Charge Sheet No. 54/2023 dated 27.02.2023 under Sections 498A/323/506/110 of the Indian Penal Code, 1860, presently pending before the Court of the Learned Judicial Magistrate, Amta, Uluberia.

2. To appreciate the core controversy and the factual backdrop in its proper perspective, it is necessary to examine the genesis of the dispute. The opposite party no. 2, Smt. Matun Dolui, lodged a written complaint before the Officer-in-Charge, Amta Police Station alleging *inter alia* that her husband, Sukumar Dolui, a former army personnel who now serves as the Head Teacher at Paschim Noapara Primary School, has been maintaining an extra-marital relationship with the petitioner since 2018. The complainant alleged that whenever she protested this illicit association, she was subjected to physical and mental torture by the husband, abused in front of their two children (a 25-year-old daughter, Sweety Dolui, and a 22-year-old college-going son, Vishal Dolui), and eventually driven out of her matrimonial home in February 2021.

3. The written complaint further contained extensive allegations against the husband regarding unauthorized financial withdrawals from family savings, securing large unauthorized bank loans amounting to ₹10,00,000 in 2019 and an additional ₹2,50,000 in 2020 without family consent, verbal threats of dire consequences, failure to provide maintenance, and attempting to drive out the wife and children. Pertinently, the complaint described the petitioner as a professional colleague at the same primary school and the wife of a school cook.

4. Acting upon the said written complaint, Amta Police Station Case No. 374 of 2022 was formally registered on 04.12.2022 under Sections 498A/325/494/506/34 of the Indian Penal Code, 1860. The Investigating Officer embarked upon an investigation, visited the place

of occurrence, prepared a rough sketch map with an index, examined available witnesses including neighbours (such as Bharati Dolui and Rekha Khara) and family members, and recorded their statements under Section 161 of the Cr.P.C. The Investigating Officer also collected medical injury reports of the complainant from Amta Rural Hospital. Notices under Section 41A of the Cr.P.C. were served upon the accused persons. The petitioner duly complied with the notice and surrendered before the jurisdictional Court on 21.01.2023, where she was subsequently enlarged on bail. Upon completion of the investigation, the police submitted Charge Sheet No. 54/2023 dated 27.02.2023 under Sections 498A/323/506/110 of the Indian Penal Code against the husband (Sukumar Dolui) and the present petitioner respectively. Copies of the police report and documents were subsequently supplied to the petitioner under Section 207 of the Cr.P.C.

5. Learned counsel for the petitioner forcefully contended that the initiation and continuation of the criminal proceeding against the petitioner is an egregious abuse of the process of law. It was emphasized that the petitioner is a respected, law-abiding primary school teacher having absolutely no blood relation, familial tie, marital connection, or legal nexus with the opposite party no. 2 or her husband.

6. Placing reliance on the landmark pronouncement of the Hon'ble Supreme Court in *State of Haryana & Ors. v. Bhajan Lal & Ors.,* [*1992 Supp (1) SCC 335]* as well as the expositions of law laid down in *Geeta Mehrotra & Anr. v. State of UP & Anr., [(2012) 10 SCC 741]* and

Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors., [(2022) 6 SCC 599], it was urged that where criminal proceedings are manifestly attended with *mala fide*, or where the uncontroverted allegations and materials collected during investigation do not disclose the commission of any cognizable offense or make out a *prima facie* case against an accused, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the proceeding. It was further contended that a third party or a remote acquaintance cannot be roped into matrimonial discord via omnibus, sweeping, and generalized insinuations unsupported by any specific, tangible overt acts. The implication of the petitioner in the connected criminal proceeding is an afterthought borne out of suspicion, domestic acrimony, and malice, causing severe mental agony and humiliation to her in society.

7. *Per contra*, learned counsel appearing for the State and the Opposite Party No. 2 strongly opposed the quashing petition. It was submitted that the Investigating Officer collected sufficient oral and documentary evidence during the course of investigation including statements of independent witnesses (family members and neighbours) under Section 161 Cr.P.C. as well as medical injury reports, which established a *prima facie* case against the accused persons under Sections 498A/323/506/110 of the IPC.

8. It was further argued by the learned counsel that factual disputes involving allegations of marital discord, collateral interference, and extra-marital abetment should be tested during a full-scale trial upon

furnishing of evidence before the learned Trial Court, and not by way of a mini-trial before the High Court. Therefore, relying on settled propositions regarding the reluctance of constitutional courts to stifle genuine prosecutions prematurely, it is urged that this Court ought not to interfere with said connected criminal proceeding at the threshold stage under Section 482 of the Cr.P.C.

9. Heard the learned counsel for the contesting parties, perused the materials on record including the written complaint, statements under Section 161 Cr.P.C., injury reports, the charge sheet, and the relevant statutory provisions. To arrive at a just, equitable, and legally sound conclusion in the instant revision, this Court formulates the following pivotal questions for *seriatim* consideration and determination:

> ***Firstly,*** Whether the ingredients of Section 498A of the IPC or other penal sections invoked in the charge sheet are *prima facie* attracted against the petitioner, who is an independent third party and not a relative of the husband?
>
> ***Secondly,*** Whether the uncontroverted allegations in the FIR and charge-sheet materials disclose any specific overt act or active involvement of the petitioner in the alleged commission of crimes?
>
> ***Thirdly,*** Whether the continuation of the impugned criminal proceeding against the petitioner constitutes an abuse of the process of law, warranting the exercise of inherent powers under Section 482 of the Cr.P.C. to quash the same?

10. To resolve these interconnected questions, I must examine the statutory framework of Section 498A of the Indian Penal Code alongside the authoritative pronouncements of the Hon'ble Supreme Court. Section 498A IPC specifically penalizes cruelty inflicted upon a woman by her "husband or a relative of the husband". It is a well-settled principle of criminal jurisprudence, repeatedly affirmed by the Hon'ble Supreme Court in a catena of decisions including *Bhajan Lal (supra)*, *Geeta Mehrotra (supra) and Kahkashan Kausar (supra)*, and more recently in *Sanjay D. Jain & Ors. v. State of Maharashtra & Ors., [2025 SCC OnLine SC 2090]* as well as *Arti Mehta & Ors. v. State of Madhya Pradesh & Anr. [2026 SCC OnLine SC 933]*, that the penal reach of Section 498A is specifically targeted at the husband and his relatives who share a domestic, familial, or marital relationship with the aggrieved wife. A person who is a complete stranger, an independent third party, an Assistant Teacher at the school, or merely a professional colleague sharing no blood, marital, or familial ties with the husband cannot be brought within the ambit of "relative" under Section 498A IPC. In the present case, the petitioner is an Assistant Teacher at Paschim Noapara Primary School and has no familial nexus with the opposite party no. 2 or her husband, Sukumar Dolui. Her mere professional association as a colleague at the same educational institution cannot bridge the wide legal gulf required to rope her into a charge of matrimonial cruelty under Section 498A IPC. The first question is accordingly answered in the negative, in favour of the petitioner.

11. Moving on to the second question, a careful perusal of the written complaint and the evidentiary materials gathered during investigation viz., the statements of the complainant, her children (Sweety and Vishal Dolui), and independent neighbours (Bharati Dolui and Rekha Khara) recorded under Section 161 Cr.P.C. reveals that the allegations against the petitioner are entirely omnibus, sweeping, and vague as there is a complete absence of any specific, tangible overt act or direct criminal attribution against the petitioner. The core grievances of the Opposite Party No. 2 relate to domestic discord, financial misappropriation, and unilateral loan acquisitions by her husband. The accusations against the petitioner are restricted to loose, unverified insinuations of an extra-marital association without any specific dates, times, or active criminal attribution. As underscored by the Hon'ble Supreme Court, vague, sweeping, and scandalous insinuations regarding an extra-marital association lacking any specific dates, times, or active participation, unsupported by foundational ingredients of a criminal offence, cannot form the legal bedrock for subjecting a citizen to a criminal trial. The charge sheet has also mechanically incorporated Section 110 IPC without any foundational material demonstrating habitual criminal conduct or statutory applicability to the petitioner. Thus, the uncontroverted materials, even if accepted on their face value, fail to *prima facie* disclose the essential ingredients of the offences charged therewith or any specific overt act attributable to the petitioner. The second question is also accordingly answered in the negative, in favour of the petitioner.

12. Coming to the final question for determination, the primary contention of the prosecution is that factual disputes should be tested during a trial. However, as authoritatively observed by the Hon'ble Supreme Court in *Inder Mohan Goswami & Anr. v. State of Uttaranchal & Ors., [(2007) 12 SCC 1]* and *Madhavrao Jiwajirao Scindia & Ors. v. Sambhajirao Chandrojirao Angre & Ors., [(1988) 1 SCC 692],* the inherent powers of the High Court under Section 482 Cr.P.C. is designed precisely to prevent the abuse of the process of any court and to secure the ends of justice. When criminal proceedings are initiated against a third party out of suspicion, malice, or generalized matrimonial acrimony without a *prima facie* foundation, compelling such an accused (a 52-year-old school teacher) to undergo the rigorous, ignominious, and protracted ordeal of a criminal trial constitutes a patent abuse of judicial process. Allowing this prosecution to proceed against the petitioner would result in a manifest failure of justice. Therefore, this is a fit case where this Court's extraordinary jurisdiction must be invoked to nip the unsustainable proceeding in the bud *quoad* the petitioner.

13. In light of the aforesaid logical analysis, the determination of all three questions in favour of the petitioner, the following findings emerge: the penal provisions invoked are not *prima facie* attracted against the petitioner who is an independent third party, no specific overt acts or active criminal involvement of the petitioner are disclosed from the record, and the continuation of the proceeding against her constitutes

an abuse of the judicial process warranting interference of this Court in its revisional jurisdiction.

14. Accordingly, the criminal revisional application, **C.R.R. No. 1626 of 2024**, is **allowed**.

15. Consequently, the entire criminal proceeding in connection with G.R. Case No. 2864 of 2022 and Charge Sheet No. 54/2023 dated 27.02.2023, arising out of Amta Police Station Case No. 374 of 2022 under Sections 498A/323/506/110 of the Indian Penal Code, 1860, pending before the Court of the Learned Judicial Magistrate, Amta, Uluberia, **stands quashed quoad the petitioner, Geeta Adhikary @ Gita Adhikary only**.

16. Connected pending application, being CRAN 01 of 2024 for extension of interim order passed in the matter, is also disposed of accordingly.

17. Interim orders, if any, stand vacated.

18. Let a copy of this judgment, along with the records of this case, be transmitted to the learned Trial Court and the Officer-in-Charge of Amta Police Station for information and compliance.

19. There shall be no order as to costs.

20. Case diary, be returned to the Learned Counsel for the State.

21. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Uday Kumar, J.)