

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

**PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR**

**CRR 3836 OF 2022
WITH
CRAN 1 OF 2024
CRAN 2 OF 2024
CRAN 3 OF 2025**

**RAVI SHANKAR MANI TRIPATHI & ORS.
-VS-
STATE OF WEST BENGAL & ANR.**

For the Petitioners : Mr. Monish Sen, Ld. Adv.
Ms. Oisani Mukherjee, Ld. Adv.

For the Opposite
Party No. 2 : Mr. Jayanta Narayan Chatterjee, Ld. Sr. Adv.
Mr. Apalak Basu, Ld. Adv.
Mr. Nazir Ahmed, Ld. Adv.
Mr. Nazir Ahmed, Ld. Adv.
Mr. Yavik Singhal, Ld. Adv.

Hearing concluded on : 30.03.2026

Judgment on : 05.05.2026

UDAY KUMAR, J.: -

THE INTRODUCTION

1. The present revisional application, preferred under Section 482 of the Code of Criminal Procedure, 1973, seeks the quashing of proceedings in Sessions Case No. 179 of 2020, currently pending

before the Learned Additional Sessions Judge, 1st Court, Durgapur, Paschim Bardhaman. The litigation originates from Durgapur (Women) P.S. Case No. 24 of 2018, a case replete with grave accusations under Sections 498A, 324, 313, 307, 506, 34, and 109 of the Indian Penal Code, read with Sections 3 and 4 of the Dowry Prohibition Act.

2. The Petitioners, being the matrimonial relatives of the Opposite Party No. 2, move this Court for the summary termination of the proceedings. It is their primary grievance that the prosecution is not an exercise in seeking justice, but rather a "potently crafted instrument of vendetta," designed to implicate the entire extended family in the fallout of a failed marriage.

THE FACTUAL MATRIX

3. The matrimonial bond between the de-facto complainant and the principal accused was solemnized on December 2, 2015, an alliance ostensibly built on traditional foundations but destined for a swift transition into discord. Despite the substantial endowment of twenty *bhories* of gold and sixteen lakhs in cash, a testament to the paternal house's commitment, the sanctity of the union was soon eclipsed by a persistent and insatiable dissatisfaction. This discontent manifested initially through a systematic campaign of verbal abuse and mental coercion, orchestrated to erode the complainant's psychological equilibrium and the dignity of her natal family.

- 4.** The narrative of cruelty assumed a visceral dimension when the complainant joined her husband at his official quarters in Durgapur. The allegations suggest that on July 4, 2016, the hopeful prospect of her pregnancy became a catalyst for brutality rather than joy. It is recorded that upon this disclosure, the husband, acting in concert with Petitioner No. 2 and Petitioner No. 5, allegedly subjected the complainant to a vicious physical assault. The specific overt act, comprising repeated kicks to the victim's abdomen, allegedly resulted in a forced miscarriage. This incident is further contextualized by the admitted physical presence of Petitioner No. 5 in Durgapur, where he was pursuing his studies at the material time.
- 5.** The birth of a daughter on June 7, 2017, failed to bridge the widening chasm between the parties. Instead, it inaugurated a period of exile, punctuated by a desperate attempt at reconciliation in September 2017, facilitated by a further payment of one lakh rupees. However, this reprieve was fleeting. The escalation of violence reached a harrowing peak on June 4, 2018, when the husband allegedly attempted to slit the complainant's throat with a blade, an act purportedly directed through the telephonic instructions of the petitioners residing in Bihar.
- 6.** The physical aftermath of this encounter was documented at the Durgapur Mission Hospital, where clinical findings revealed "defensive wounds" on the complainant's hands and forehead,

that serve as a contemporaneous record of a desperate struggle for survival.

7. Parallel to these criminal events, a decree of divorce was passed by a Family Court in Bihar in 2023, a judgment that currently remains under challenge before the Hon'ble High Court at Patna. It is within this factual landscape, marked by documented medical trauma, the loss of a foetus or attempting murder, the interplay of local and distant participation, and common intention that this Court must now determine whether the prosecution can be throttled at the threshold.

POINTS FOR DETERMINATION

8. In the light of the factual landscape delineated hereinabove and to test the sustainability of the criminal proceedings against the rigorous touchstone of judicial precedent, the following points are formulated for determination:
 - i. Whether the allegations against the matrimonial relatives transcend the category of "vague and omnibus" recitals to disclose specific overt acts of criminality?
 - ii. Whether the attribution of a physical assault leading to miscarriage against Petitioner Nos. 2 and 5 constitutes a triable issue of fact?
 - iii. Whether the petitioners residing in Bihar can be held *prima facie* liable for acts in Durgapur on the strength of "telephonic instigation" and shared common intention?

- iv. Whether the clinical findings of "defensive wounds" in the medical report provide sufficient independent corroboration to sustain the charge under Section 307 of the IPC?
- v. Whether a contested decree of divorce, granted during the pendency of criminal proceedings, operates as a legal bar to a trial for heinous offences committed during the subsistence of the marriage?
- vi. Whether the continuation of the proceedings against the petitioners constitutes an abuse of the process of law warranting the exercise of inherent powers under Section 482 of the Cr.P.C.?

SUBMISSIONS ON BEHALF OF THE PETITIONERS

9. Mr. Monish Sen, the learned counsel appearing for the petitioners, has opened his address by imploring this Court to exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure to prevent what he characterizes as a manifest abuse of the judicial process. He contended that the current prosecution is a quintessential illustration of "matrimonial over-reach," where the embers of a failed marriage are being fanned by the de-facto complainant to engulf the husband's entire family in a conflagration of criminal litigation. The primary thrust of his submission was that the allegations, while grave in their nomenclature, are "vague, omnibus, and

inherently improbable," designed not to seek justice but to extract a "pound of flesh" from the matrimonial relatives.

- 10.** It was the primary submission of the Petitioners that the present FIR is a retaliatory strike, conceived in the wake of an irretrievable marital breakdown. Mr. Sen argued that Petitioner Nos. 1, 3, and 4 are permanent residents of Motihari, Bihar, and have never shared a common household with the complainant in Durgapur. He contended that the allegations concerning the grave incidents of 2016 and 2018 are factually detached from these petitioners, as the theory of "telephonic instigation" is a mere legal artifice designed to extend the reach of the prosecution to distant relatives who lacked any functional or territorial nexus to the alleged sites of violence.
- 11.** To fortify the challenge against "vague and omnibus" accusations, the learned counsel placed heavy reliance on the seminal principles articulated in *Geeta Mehrotra v. State of U.P.* [(2012) 10 SCC 741] and *Preeti Gupta v. State of Jharkhand* [(2010) 7 SCC 667]. He submitted that there is a burgeoning and regrettable tendency to convert domestic discords into criminal enterprises by naming every relative of the husband, regardless of their proximity or participation. This proposition was further supported by citing (2010) 1 Cal. L.R. (Cal) 200 and (2019) 1 C CR LR (CAL) 453, asserting that roping in an entire extended family, including a nephew (Petitioner No. 5) and brothers-in-law, without distinct roles, constitutes a gross abuse of the criminal machinery.

- 12.** In light of evolving matrimonial jurisprudence, the Petitioners cited a triad of recent decisions, *Vasant v. State of Karnataka* [2025 SCC 221], *Renuka v. State of Karnataka* [2025 SCC Online SC 970], and *Sanjay D. Jain v. State of Maharashtra* [2025 SCC Online 2000], to highlight the judicial caution required against the "growing tendency to implicate all family members" to settle matrimonial scores.
- 13.** Mr. Sen argued that the invocation of vicarious culpability under Section 34 IPC was done in a vacuum, as the prosecution failed to satisfy the "prior meeting of minds" test. Relying on the ratio in *Ramaswami Ayyangar and Others v. State of Tamil Nadu* (1976) 3 SCC 779, he emphasized that where allegations are so inherently improbable that no prudent person could reach a conclusion of sufficient grounds for proceeding, the High Court must intervene.
- 14.** Directing the Court's attention to the specific charge under Section 313 of the IPC, the learned counsel dismissed it as a "belated and strategic concoction." He pointed out the anomalous timeline where an incident of 2016 was brought to the fore only in 2018, long after the birth of a healthy child in June 2017. Referring to *Bhaskar Lal Sharma v. Monica* [(2014) 3 SCC 383] and *Kaptan Singh v. State of U.P.* [(2021) 9 SCC 35], he argued that while the court usually refrains from weighing evidence, it must not remain a silent spectator when the "factual matrix" itself is inherently improbable. He submitted that the delay in alleging the miscarriage, coupled with the residency of the petitioners in

Bihar, makes the continuation of the trial a "perpetuation of injustice."

15. Finally, the petitioners leaned heavily upon the Decree of Divorce granted on May 11, 2023, by the Family Court, Motihari. Mr. Sen contended that this decree serves as a testament to the finality of the matrimonial breakdown and exposes the complainant's grievances as a post-facto reaction to the judicial dissolution of the marital tie. He concluded by stating that since no *prima facie* case is made out under the strict standards of Sections 498A, 307, or 313 IPC, the proceedings ought to be quashed to preserve the dignity of the legal process and prevent further judicial harassment.

SUBMISSIONS ON BEHALF OF THE STATE AND OPPOSITE PARTY

NO. 2

16. Mr. Jayanta Narayan Chatterjee, the learned senior counsel representing the de-facto complainant (Opposite Party No. 2), supported by the learned counsel for the State, had mounted a vigorous resistance against the prayer for quashing. He had opened his address by characterizing the matter not as a common matrimonial discord, but as a case involving "heinous and overt criminal acts" that demanded the full rigors of a trial. He had contended that the FIR was far from being a collection of generic grievances; rather, it served as a repository of date-specific and visceral accounts of physical brutality. Specifically, he had

pointed to the allegations of July 4, 2016, where Petitioner No. 2 and Petitioner No. 5 were alleged to have acted in concert with the husband to subject the pregnant complainant to a horrific assault, leading to a forced miscarriage. He had argued that such distinct and specific roles constituted a triable issue of fact under Section 313 of the IPC that could not be brushed aside as perfunctory or omnibus in nature.

17. In developing this argument, the learned counsel had strategically distinguished the legal propositions relied upon by the petitioners. He had argued that the protective umbrella of *Geeta Mehrotra v. State of U.P.* and *Preeti Gupta v. State of Jharkhand* is exclusively reserved for cases involving "generic and omnibus" allegations of dowry harassment, where relatives are roped in solely to exert matrimonial pressure. He had contended that those ratios become inapplicable the moment a case moves into the territory of substantive, independent crimes such as attempted murder and forced miscarriage.
18. He had pointed out that while the petitioners sought to characterize the matter as a "refined matrimonial dispute," the presence of specific overt acts and medical trauma, including the documented attempt to slit the complainant's throat, removed it from the ambit of the "judicial caution" normally exercised in Section 498A cases.
19. To ground these factual assertions in objective evidence, the learned counsel had placed heavy reliance on the Injury Report

(MR No. 364110) from Durgapur Mission Hospital. He had argued that the clinical findings of lacerations and "defensive wounds" etched upon the complainant's person provided a "contemporaneous and clinching corroboration" of the attempt on her life. Relying on the ratio in *Bhaskar Lal Sharma v. Monica* [(2014) 3 SCC 383], he had submitted that at this threshold stage, the Court must not assume the role of a trial judge to weigh the relative merits of the evidence but must only ascertain the existence of a *prima facie* case, which he contended was abundantly clear from the medical trail.

20. To reinforce this distinction, he had relied upon the principles in *Veena Mittal v. State of Uttar Pradesh* [Criminal Appeal No. 122 of 2022], noting that the Apex Court itself has clarified that where the FIR contains specific allegations of physical violence, the High Court should refrain from using its inherent powers to stifle the prosecution.
21. Addressing the petitioners' plea of territorial detachment, Mr. Chatterjee had pointed out that Petitioner No. 5 (Sankalp) was admittedly a student in Durgapur during the relevant period, thereby placing him within the immediate jurisdiction where the offences occurred. He had argued that this physical proximity destroyed any plea of total detachment for the local petitioners. Furthermore, invoking the principles in *Taramani Parakh v. State of M.P.* [(2015) 11 SCC 260], he had contended that the shield of "distance" cannot be invoked to quash proceedings when the

allegations reflect specific cruelty and active participation in a shared criminal design. Regarding the relatives in Bihar, he had proposed a theory of "intellectual participation," where the attempt to slit the complainant's throat was allegedly executed under direct telephonic command, thereby binding all petitioners under the singular thread of Section 34 and Section 109 of the IPC.

- 22.** The learned counsel had further argued that the Decree of Divorce, currently under challenge before the Hon'ble High Court at Patna, could not operate as a retrospective amnesty for criminal acts. He had contended that a civil dissolution of marriage does not act as a quietus to a prosecution for grave offences. Relying on *Renuka v. State of Karnataka* [(2025) 3 SCC 735], he had emphasized that the "ends of justice" demanded a full-fledged trial to unearth the truth. He had carefully distinguished the authorities cited by the petitioners, particularly *Geeta Mehrotra*, by arguing that the ratio therein applies to "pure" matrimonial disharmony under Section 498A, whereas the present case involves independent, heinous crimes that stand on a different footing.
- 23.** In the concluding limb of his submissions, Mr. Chatterjee had referred to *Veena Mittal v. State of Uttar Pradesh* [Criminal Appeal No. 122 of 2022] and *Kaptan Singh v. State of U.P.* [(2021) 9 SCC 35], reiterating the settled position that the High Court cannot appreciate evidence or evaluate the merits of a case in a summary

proceeding under Section 482 of the Cr.P.C. He had submitted that the investigation had already culminated in a charge-sheet, signifying that the investigating agency found sufficient material to warrant a trial. He had warned that any premature interference by this Court would result in a "miscarriage of justice" and would effectively "throttle" a legitimate prosecution for offences that had caused irreparable physical and reproductive trauma to the victim.

DISCUSSIONS AND FINDINGS

Point (i): Specificity of Accusation and the Prima Facie Threshold

24. To adjudicate upon the first point for determination, this Court must evaluate whether the allegations etched in the FIR and the supplementary materials collected during the investigation possess the requisite "factual density" to compel the petitioners to stand trial. It is a settled principle of criminal jurisprudence, as underscored in *State of Haryana v. Bhajan Lal* [1992 Supp (1) SCC 335], that while the High Court should not embark upon an inquiry into the reliability of evidence at this stage, it is nonetheless duty-bound to ensure that the uncontroverted allegations, taken at their face value, actually disclose the essential ingredients of the offences charged. In matrimonial disputes, this scrutiny becomes particularly exacting to prevent the "criminalization of marital friction."

- 25.** Upon a dispassionate reading of the Case Diary and the statement of the de-facto complainant, it appears that the allegations against the matrimonial relatives transcend the category of "vague and omnibus" recitals. While the Petitioners have relied heavily on the ratio of Geeta Mehrotra, asserting that they have been roped in purely by virtue of their status, the record suggests otherwise. Unlike cases where general allegations of "torture" or "demand for dowry" are made against the entire family in a single breath, the present narrative provides a date-specific and act-specific account of brutality. The allegation of July 4, 2016, does not target the family as a collective monolith but specifically attributes a visceral physical assault to Petitioner No. 2 and Petitioner No. 5, detailing repeated kicks to the abdomen of a pregnant woman. Such specificity lifts the case out of the "omnibus" category and establishes a *prima facie* nexus between the accused and the alleged offence under Section 313 of the Indian Penal Code.
- 26.** Furthermore, the analysis of Section 498A and Section 307 of the IPC in the context of these facts reveals that the prosecution is not merely chasing shadows. The presence of the "defensive wounds" documented in the medical report serves as a contemporaneous physical anchor to the complainant's story. The law does not require that a "mini-trial" be conducted under the umbrella of Section 482; rather, it requires the Court to see if a "triable issue" exists. The defensive nature of the injuries,

typically sustained while shielding one's vital organs from an assailant, provides a formidable *prima facie* basis to suggest that the violence was not a mere "domestic bickering" but a life-threatening encounter. The principles of law governing quashing mandate that where the allegations are specific and supported by a trail of medical evidence, the "ends of justice" are met by a trial, not by a summary dismissal.

27. Consequently, this Court finds that the allegations are neither "patently absurd" nor "inherently improbable" so as to warrant a judicial "throttling" of the case at the threshold. The specificity of the overt acts, the documented trauma, and the chronological narrative of the events establish a clear *prima facie* case. The contention that the petitioners have been maliciously roped in is a defence that must be tested in the crucible of cross-examination, as the current materials disclose a sufficient legal basis for the trial to proceed.

28. The allegations against the petitioners are sufficiently specific and supported by investigative materials to disclose a *prima facie* case, thereby precluding the summary quashing of the proceedings on the ground of being vague or omnibus.

Point (ii): Factual Density of Section 313 IPC and the Specificity of Overt Acts

29. The second point for determination invites a closer scrutiny of the charge under Section 313 of the Indian Penal Code, which

pertains to the causing of a miscarriage without the woman's consent, a felony of significant statutory weight. The petitioners have forcefully argued that this accusation is an "afterthought," strategically inserted to escalate a matrimonial dispute into a sessions-triable offense. However, in the exercise of our jurisdiction under Section 482 of the Cr.P.C., this Court must refrain from a premature assessment of the "truth" of the allegation, focusing instead on whether the claim possesses sufficient "factual density" to survive a motion for quashing.

- 30.** A perusal of the record reveals that the complainant has not merely labelled a broad grievance of ill-treatment; she has identified a specific temporal window, July 4, 2016 and specific perpetrators Petitioner Nos. 2 and 5, attributing to them a targeted physical assault upon her pregnant abdomen. The law is well-settled that when a specific overt act is attributed to a particular accused, resulting in a distinct criminal consequence, the matter enters the realm of a "triable issue of fact." Such an allegation, by its very nature, cannot be resolved by a High Court on the basis of affidavits or competing narratives. Whether the assault occurred as described, and whether it was the proximate cause of the loss of the foetus, are matters that must be tested through the crucible of medical evidence and the cross-examination of the victim.
- 31.** The learned counsel for the petitioners has attempted to cast doubt on this narrative by highlighting the admitted fact that

Petitioner No. 5 was a student at the material time. Far from acting as a shield, this circumstance of territorial proximity, his presence in Durgapur where the alleged assault took place, strengthens the prosecution's case for a trial. Unlike the other relatives residing in Bihar, Petitioner No. 5 had the physical opportunity to participate in the events described. This "geographical nexus," combined with the specific description of the assault, creates a formidable *prima facie* case that transcends the threshold of a "vague or improbable" implication.

- 32.** Furthermore, the principles governing the quashing of proceedings for an offense under Section 313 IPC dictate that the Court must look for a linkage between the act and the outcome. At this preliminary stage, the complainant's statement, corroborated by her narrative of the subsequent termination of pregnancy, provides that linkage. The argument that the delay in filing the FIR (lodged in 2018 for a 2016 incident) should be fatal to the prosecution is a matter of "appreciation of evidence." It is a settled position of law that "delay in lodging an FIR is not a ground for quashing" if the allegations otherwise disclose the commission of a cognizable offense. The explanation for such delay, often rooted in the victim's hope for marital reconciliation, is a factual defence that must be evaluated by the Trial Court.
- 33.** Consequently, this Court is of the opinion that the attribution of a physical assault leading to miscarriage against Petitioner Nos. 2 and 5 is neither superficial nor stray. It is an allegation of a grave

and visceral nature, supported by a specific date, a defined role, and a measurable medical consequence. To quash the proceedings at this stage would be to deny the victim the opportunity to prove a serious crime and would amount to a "pre-trial acquittal," which is impermissible in the exercise of our inherent powers.

- 34.** The allegations under Section 313 IPC against Petitioner Nos. 2 and 5 involve specific overt acts and a documented medical consequence, constituting a substantial triable issue of fact that cannot be adjudicated or extinguished in a quashing petition.

Point (iii): Territorial Distance, Telephonic Instigation, and the Reach of Common Intention

- 35.** The third point for determination requires this Court to navigate the complex intersection of physical absence and criminal culpability. The petitioners residing in Bihar (Petitioner Nos. 1, 3, and 4) contend that their geographical remoteness from the scene of the alleged crime in Durgapur serves as an absolute alibi, rendering their implication in the charges of attempted murder and matrimonial cruelty legally fragile. They argue that the theory of "telephonic instigation" is a desperate attempt to bridge the miles with a tenuous legal thread. However, the law of "common intention" under Section 34 of the Indian Penal Code and "abetment" under Section 109 does not always demand a physical

presence at the *locus delicti*; it demands a meeting of minds and a shared criminal objective.

- 36.** In the context of matrimonial offenses, the "four walls" of the matrimonial home often extend, psychologically and communicatively, to the homes of the extended family. The complainant's narrative specifically alleges that the husband's attempt to slit her throat with a blade on June 4, 2018, was not a spontaneous outburst but an act executed upon the telephonic directions of the relatives in Bihar. While the learned counsel for the petitioners has dismissed this as a "literary flourish," this Court must acknowledge that in the modern era of instant communication, "instigation" is no longer confined by borders. If a person, through a telephonic command, provides the psychological impetus or the direct instruction for a crime to be committed by another, they cannot claim immunity simply because they were not holding the weapon.
- 37.** However, the threshold for holding absentee relatives liable is significantly higher than that for those present on the spot. To sustain a charge against the Bihar-based petitioners, the materials in the Case Diary must reflect more than a mere "omnipresent influence"; they must indicate a *prima facie* link between the telephonic communication and the specific overt act. In the present case, the complainant alleges a recurring pattern where the husband acted as the "physical arm" of the family's "intellectual will." When such an allegation is coupled with a

grave charge under Section 307 of the IPC, and further bolstered by the documented "defensive wounds" on the victim, the question of whether the Bihar relatives actually "instigated" the act becomes a triable issue of fact. It is a matter for the Trial Court to determine, through the analysis of call records and oral testimony, whether the common intention was truly shared across state lines.

- 38.** The principles governing Section 482 of the Cr.P.C. caution against the quashing of proceedings where the allegations suggest a conspiracy or abetment, even if some accused are at a distance. The "telephonic instigation" described by the complainant provides the necessary legal bridge to bring the Bihar relatives within the ambit of the prosecution at this stage. To extinguish their liability now would be to prematurely sever the chain of "common intention" before the evidence can be fully unravelled. This Court finds that the allegations of remote instigation, linked to a specific and violent overt act in Durgapur, provide a sufficient *prima facie* basis to compel the Bihar-based petitioners to stand trial alongside the principal accused.
- 39.** Physical absence from the place of occurrence does not inherently negate criminal liability when the allegations involve specific telephonic instigation leading to a life-threatening assault. The shared common intention between the local and absentee petitioners constitutes a triable issue, precluding the summary discharge of the relatives residing in Bihar.

Point (iv): The Evidentiary Weight of Clinical Findings and the "Defensive Wound" Doctrine

- 40.** The fourth point for determination brings us to the pivotal intersection of medical jurisprudence and the penal provisions of Section 307 of the Indian Penal Code. The petitioners have consistently characterized the allegations of an attempt to murder as a "hyperbolic escalation" of a domestic dispute. However, this Court's scrutiny is anchored not merely in the words of the complainant, but in the objective reality of the clinical findings recorded at the Durgapur Mission Hospital. The focal point of this judicial audit is whether the presence of "defensive wounds" on the complainant's person provides the necessary independent corroboration to sustain a charge as grave as an attempt to murder.
- 41.** In the lexicon of forensic medicine, a "defensive wound" is not a mere accidental injury; it is a tell-tale signature of a victim's instinctive struggle to parry a lethal blow or to seize a weapon aimed at vital organs. When the medical report documents such injuries on the hands and forehead, regions typically raised in a reflex action to shield the throat or face, it provides a silent, contemporaneous testimony that corroborates the complainant's narrative of a life-threatening assault. Under Section 307 IPC, the prosecution is not required to prove that a near-fatal injury was actually caused; it is sufficient to prove that an act was committed with the *intent* or *knowledge* that it could cause death.

The discovery of defensive wounds serves as a potent indicator of such intent, suggesting a level of violence that transcends ordinary physical hurt and enters the realm of homicidal attempt.

42. The learned counsel for the petitioners has urged this Court to view these injuries in isolation, suggesting they may be self-inflicted or the result of a minor scuffle. However, such an exercise in "evidence-weighting" is strictly prohibited within the narrow confines of Section 482 of the Cr.P.C. It is a settled legal proposition that if the medical evidence *prima facie* aligns with the ocular version provided in the FIR, the High Court must defer to the Trial Court for a final determination. The clinical trial in this case, marked by the specific nature and location of the wounds, acts as an independent anchor that prevents the prosecution from being dismissed as a mere "oral concoction." It transforms the allegation from a subjective claim into an objectively triable issue.

43. Furthermore, the presence of these injuries, documented shortly after the alleged occurrence on June 4, 2018, provides a chronological continuity that is difficult to ignore. The law regarding the quashing of a charge under Section 307 IPC is clear: where the weapon used (a blade), the site targeted (the throat), and the resulting injuries (defensive marks) collectively point toward a murderous intent, the proceedings cannot be stifled at the threshold. This Court finds that the medical report from Durgapur Mission Hospital constitutes significant

independent corroboration, creating a formidable *prima facie* basis for the charge to be tested through a full-fledged trial.

- 44.** The clinical documentation of "defensive wounds" provides crucial independent corroboration of a life-threatening struggle, thereby validating the sustainability of the charge under Section 307 IPC for the purposes of trial. These findings constitute objective evidence that precludes the summary quashing of the proceedings.

Point (v): The Interplay Between Civil Dissolution and Criminal Accountability

- 45.** The fifth point for determination addresses a pivotal legal question: whether a decree of divorce, granted by a civil court of competent jurisdiction, serves as a retrospective "judicial immunity" against criminal prosecution for acts committed during the subsistence of the marriage. The petitioners have argued with considerable conviction that the decree of divorce passed in 2023 marks the finality of the matrimonial dispute, and that the continuation of criminal proceedings thereafter is a redundant exercise in judicial bitterness. However, this Court must clarify the fundamental distinction between the civil status of a relationship and the criminal liability arising from conduct within that relationship.
- 46.** It is a settled principle of law that the "civil death" of a marriage through a decree of divorce does not extinguish the criminal

accountability of the parties for offences such as matrimonial cruelty, forced miscarriage, or attempted murder. Criminal law is concerned with the protection of the public at large and the punishment of offenders, whereas matrimonial law focuses on the status and obligations of the individuals involved. The offences alleged in the present case, specifically under Sections 307 and 313 of the IPC, are heinous in nature and are categorized as "crimes against society." The mere fact that the parties are no longer husband and wife in the eyes of the civil law does not, and cannot, wash away the "blood of the crime" or the trauma allegedly inflicted while the bond existed.

- 47.** Furthermore, the petitioners' reliance on the divorce decree is further weakened by the fact that the said decree is currently under challenge before the Hon'ble High Court at Patna. Even if the decree were final, the ratio of the Hon'ble Supreme Court in cases such as *State of Rajasthan v. Sambhu Ram* [(2013) 11 SCC 12] makes it abundantly clear that in cases involving non-compoundable and serious offences, a subsequent settlement or a change in marital status is not a valid ground for quashing. To allow a divorce decree to act as a bar to a criminal trial would be to provide a "perverse incentive" for perpetrators to seek a swift civil exit to escape the consequences of their criminal actions.
- 48.** The jurisdiction under Section 482 of the Cr.P.C. is meant to prevent the abuse of the process of law, not to bypass the substantive provisions of the Penal Code. In the present factual

matrix, where the complainant has documented medical injuries and specific allegations of forced miscarriage, the civil dissolution of the marriage is a "parallel development" that does not intersect with the state's duty to prosecute grave violence. This Court finds that the criminal liabilities of the petitioners are independent of their matrimonial status and must be adjudicated on their own merits in the trial court.

- 49.** A decree of divorce, whether contested or final, does not operate as a legal bar to the prosecution for offences committed during the subsistence of the marriage. The civil dissolution of a union does not offer a retrospective shield against criminal accountability for acts of cruelty or violence.

Point (vi): The Exercise of Inherent Powers and the Threshold of "Abuse of Process"

- 50.** The final point for determination brings us to the ultimate question of whether the continuation of these criminal proceedings constitutes an abuse of the process of law. The inherent power of the High Court under Section 482 of the Cr.P.C. is a "safety valve" designed to be used sparingly, yet decisively, to prevent the machinery of justice from being converted into an engine of oppression. The petitioners have urged this Court to view the entire prosecution as a retaliatory narrative born out of a failed marriage, while the State and the

de-facto complainant have presented it as a necessary quest for accountability against visceral violence.

51. To determine if an "abuse of process" exists, this Court must look beyond the labels of the offences and examine the "foundational integrity" of the allegations. As established in the preceding points of discussion, the case at hand is not built upon mere verbal skirmishes or generic claims of "unhappiness." Instead, it is anchored in specific, date-related overt acts, corroborated by contemporaneous clinical findings of "defensive wounds" and a medical history of terminated pregnancy. Under the standards set by *State of Haryana v. Bhajan Lal* [1992 Supp (1) SCC 335], quashing is permissible only when the allegations, even if taken as true, do not disclose an offence. Here, the allegations not only disclose offences but provide a granular detail that mandates a factual inquiry.

52. The learned counsel for the petitioners has heavily relied on the argument that "matrimonial relatives" are being unjustly dragged into a civil dispute. However, the ratio in *Taramani Parakh v. State of M.P.* and *Veena Mittal v. State of Uttar Pradesh* makes it clear that the status of being a relative does not grant a "blanket immunity" when specific acts of cruelty and physical assault are attributed to them. In the present case, the roles of Petitioner Nos. 2 and 5 in the abdominal assault and the role of the Bihar-based relatives in the alleged instigation of a life-threatening attack are triable issues. For this Court to quash the proceedings

at this stage would be to usurp the function of the Trial Court and to pre-judge the veracity of a victim who carries physical scars as evidence of her ordeal.

- 53.** Furthermore, the argument regarding the Decree of Divorce does not tilt the scale in favor of quashing. A civil dissolution of marriage cannot act as a "judicial amnesty" for criminal acts of the nature alleged here, specifically forced miscarriage and attempted murder. The "ends of justice" would be better served by allowing the prosecution to reach its natural conclusion in the crucible of a trial. To "throttle" the case now would be to deny the victim her day in court and would set a dangerous precedent that grave violence within a marriage can be neutralized by a subsequent civil decree.
- 54.** Consequently, this Court finds that the prosecution is not "manifestly attended with mala fides," nor is it "patently absurd." There exists a *prima facie* case with sufficient factual density and medical corroboration to warrant a full-fledged trial. The inherent powers under Section 482 are meant to protect the innocent from harassment, but they cannot be used to shield the accused from a legitimate trial for heinous offences. The continuation of the proceedings against the petitioners does not, therefore, constitute an abuse of the process of law.
- 55.** The existence of a *prima facie* case, supported by specific overt acts and independent medical corroboration, necessitates a trial. The continuation of the proceedings does not amount to an abuse

of the judicial process, and the invocation of inherent powers to quash the same is not warranted in the present facts and circumstances.

CONCISE FINDINGS ON THE POINTS OF LAW

- 56.** Having meticulously evaluated the competing submissions and the investigative record, this Court arrives at the following distilled legal findings:
- 57.** The judicial protection afforded to matrimonial relatives against "vague and omnibus" allegations, as established in *Geeta Mehrotra*, is not an absolute immunity. Where an FIR provides date-specific, site-specific, and role-specific accounts of physical violence (such as the abdominal assault of July 4, 2016), the allegations transcend the threshold of "perfunctory recitals" and constitute a *prima facie* triable case.
- 58.** In matters involving the loss of a foetus due to physical trauma, the "proximate overt act" (e.g., kicks to the abdomen) attributed to specific accused creates a substantial triable issue. A temporal delay in reporting or the subsequent birth of another child does not, at the threshold stage, extinguish the gravity of the initial offence, which must be tested through medical evidence and cross-examination.
- 59.** Physical presence at the *locus delicti* is not a prerequisite for criminal liability in the age of modern communication. Allegations of "telephonic instigation" and shared common intention, when

linked to a specific heinous act (such as an attempt to slit the throat), provide a sufficient legal bridge to compel absentee relatives to stand trial. The shield of "territorial distance," as discussed in *Taramani Parakh*, cannot be used to quash proceedings when the "intellectual will" of the remote accused is *prima facie* linked to the crime.

- 60.** Clinical findings of "defensive wounds" in a medical report act as independent, objective anchors for a charge under Section 307 IPC. Such injuries signify a life-threatening struggle and parrying of lethal force, providing the requisite *prima facie* intent or knowledge required to sustain a prosecution for attempted murder at the quashing stage.
- 61.** A decree of divorce serves only to alter the civil status of the parties; it does not grant retrospective amnesty for criminal conduct committed during the subsistence of the marriage. Criminal accountability for heinous offences (Sections 307, 313 IPC) remains independent of the marital bond and cannot be extinguished by the dissolution of the union.
- 62.** The inherent power to quash is reserved for cases of "patent absurdity" or "manifest bad faith." Where the "factual matrix" contains granular accusations supported by medical documentation, the High Court must refrain from conducting a "mini-trial" or evaluating the reliability of evidence, as the ends of justice are best served by a full factual determination in the Trial Court.

RATIO DECIDENDI AND CONCLUSION

63. The quintessence of the legal reasoning, the *ratio decidendi*, underpinning this judgment is predicated upon the following three-fold logic:

- (i) the inherent power under Section 482 Cr.P.C. is not an instrument for a "pre-trial acquittal." Where the allegations, taken at their face value, disclose the essential ingredients of grave offences like Section 307 and 313 of the IPC, and are supported by an independent medical trail of "defensive wounds," the High Court cannot usurp the role of the Trial Court to weigh the probabilities of the case.
- (ii) the "vague and omnibus" rule is a shield against frivolous matrimonial bickering, not a sanctuary for those accused of specific overt acts of visceral brutality. The existence of a date-specific narrative and clinical documentation transforms a matrimonial dispute into a case of substantive criminality.
- (iii) territorial distance is no bar to criminal culpability under the principles of Common Intention (Section 34 IPC) and Abetment (Section 109 IPC). Telephonic instigation, if proven, constitutes sufficient intellectual participation to warrant a trial, and a civil decree of divorce cannot act as a retrospective amnesty for such criminal acts.

- 64.** In the light of the discussions held hereinabove, I am of the firm view that the materials on record disclose a formidable *prima facie* case against all the petitioners. The questions of alibi, the reliability of the medical history, and the extent of participation are disputed questions of fact which must be tested in the crucible of a trial.

CONCLUSION

- 65.** The cumulative audit of the factual matrix and the settled legal position leads this Court to the inescapable conclusion that the present petition does not meet the stringent criteria for quashing under Section 482 of the Cr.P.C. While this Court is cognizant of the judicial alarm raised in *Geeta Mehrotra* and *Preeti Gupta* regarding the over-implication of matrimonial relatives, those safeguards cannot be stretched to provide a sanctuary where the allegations are specific, visceral, and corroborated by clinical documentation.
- 66.** The existence of "defensive wounds" and the specific attribution of an abdominal assault resulting in miscarriage lift this case out of the realm of "domestic bickering" and place it firmly within the category of substantive criminality. To stifle the prosecution at this juncture would be to deny the de-facto complainant the opportunity to seek justice for alleged acts that have caused profound physical and reproductive trauma. The truth of these

competing narratives must be distilled in the crucible of a trial, not in a summary proceeding before this Court.

CONSEQUENTIAL ORDERS AND DIRECTIONS

67. In light of the findings recorded above, this court is disposing this revision by passing the following orders and directions:

- (i) The criminal revision application filed by the petitioners under Section 482 of the Cr.P.C. for quashing of the proceedings in Sessions Case No. 179 of 2020 [arising out of Durgapur (Women) P.S. Case No. 24 of 2018], is hereby dismissed.
- (ii) CRAN 1 of 2024, CRAN 2 of 2024 and CRAN 3 of 2025 are also disposed of accordingly.
- (iii) All interim orders previously granted by this Court, including any stay on the proceedings in the Court below, stand vacated with immediate effect.
- (iv) The learned Additional Sessions Judge, 1st Court, Durgapur, Paschim Bardhaman is directed to proceed with the trial with utmost expedition. Considering that the FIR dates back to 2018 and the incident involves a grave charge under Section 313 IPC, the Trial Court shall endeavour to conclude the recording of evidence and deliver the final judgment as early as possible.
- (v) The petitioners are directed to appear before the Trial Court on the next date fixed for hearing and shall strictly comply

with the conditions of their bail. The Trial Court is at liberty to cancel the bail of any petitioner who seeks to protract the proceedings by seeking unnecessary adjournments.

(vi) It is further clarified that the observations made by this Court in this judgment are limited to the determination of the *prima facie* case for the purpose of Section 482 Cr.P.C.

(vii) The learned Trial Court shall proceed with the trial strictly on the basis of the evidence adduced before it, without being influenced by any observations made herein regarding the merits of the case.

(viii) The Registry is directed to communicate a copy of this judgment / order to the learned Court below forthwith and ensure the transmission of the Trial Court Records, if any, within one week.

68. The Trial Court Record (TCR), if any, shall be sent down to the Trial Court, at once.

69. Case diary, if any, be returned forthwith.

70. There shall be no order as to costs.

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

(Uday Kumar, J.)