IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR

CRR 5337 OF 2025

JAGAT CHANDRA NANDI AND ORS.
-VS-
STATE OF WEST BENGAL AND ANR.

For the Petitioner Nos. 1, 2 & 4	: Mr. Aritra Bhattacharyya Mr. S. K. Dutta
For the Petitioner No.3	: Mr. Kaushik Sarkar
For the Opposite Party No.2	: Mr. Rabindra Kumar Pathak
For the State	: Mr. Utsav Dutta
Reserved on	: 28.09.2026
Pronounced on	: 05.10.2026

UDAY KUMAR, J.: –

1. The present criminal revisional application has been filed by the petitioner invoking the inherent jurisdiction of this court enshrined under Section 482 of the Code of Criminal Procedure, 1973 (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) seeking quashing of the entire criminal proceeding arising out of Arambagh Women Police Station Case No. 40 of 2020 dated July 4, 2020, corresponding to G.R. No. 648 of 2020, under Sections 498A, 325, 307, 313, 406, 506 and 34 of the Indian Penal

Code, 1860, read with Sections 3 and 4 of the Dowry Prohibition Act, 1961 pending before the learned Additional Chief Judicial Magistrate at Arambagh.

2. Tracing the factual backdrop that compelled the institution of these criminal proceedings, the record reveals that the marriage between petitioner no. 1 (Jagat Chandra Nandi) and opposite party no. 2 (Supriya Nandi) was solemnized and formally registered under the Special Marriage Act, 1954, on November 11, 2019, which was subsequently followed by a social and religious ceremony performed according to Hindu rites and customs on December 11, 2019. Following the nuptials, the opposite party no. 2 joined her matrimonial home, residing initially at Chapra and later shifting to a newly purchased flat located at Munsifdanga, Purulia Town. According to the foundational allegations lodged by opposite party no. 2, her family, at the time of marriage, had extended substantial financial assistance, including a cash payment of Rs. 3,00,000/-, twenty bhori of gold ornaments, and furniture, besides contributing toward the acquisition of the Purulia flat. However, conjugal harmony was short-lived. The opposite party alleged that the petitioners escalated demands for an additional cash sum of Rs. 5,00,000/-, and upon her failure to meet this demand, subjected her to severe physical and mental torture, including an alleged assault on her abdomen during her pregnancy that necessitated a medical termination on January 9, 2020. The situation reached a breaking point on June 11, 2020, when an alleged attempt on her life

by suffocating her with a pillow compelled her to flee to her parental home at Arambagh.

3. Driven by these traumatic events, the opposite party no. 2 lodged a formal written complaint before the Officer-in-Charge of Arambagh Women Police Station on July 4, 2020, leading to the registration of Arambagh Women P.S. Case No. 40 of 2020 under Sections 498A, 325, 307, 313, 406, 506 read with Section 34 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, corresponding to G.R. No. 648 of 2020, pending before the learned Additional Chief Judicial Magistrate at Arambagh. Upon completion of the investigation, the police submitted a charge-sheet under Sections 498A, 325, 406, 506 read with Section 34 of the IPC and Sections 3/4 of the Dowry Prohibition Act against the petitioners. Cognizance was taken, charges were subsequently framed, and the trial commenced. In the interim, to seek a formal severance of the marital tie, petitioner no. 1 instituted a civil proceeding for divorce being Matrimonial Suit No. 165 of 2023 before the learned Additional District Judge cum Fast Track Court No. 1 at Purulia, wherein the opposite party no. 2 filed her written objection contesting the claims. Feeling aggrieved by the continuation of the criminal trial and asserting that the prosecution is an abuse of process, the petitioners comprising the husband, mother-in-law, brother-in-law, sister-in-law, and a relative approached this Court by filing the instant revisional application under Section 482 of the Code of Criminal Procedure, seeking the quashing of the entire proceeding.

4. Assailing the impugned criminal proceedings, the learned counsel for the petitioners strenuously contended that the allegations levelled in the FIR and the charge-sheet are absolute falsehoods, concocted as a counterblast to the matrimonial disputes and the civil suit for divorce. It was argued that petitioners nos. 2 and 3 reside twelve kilometres away from the alleged matrimonial home at Purulia, while petitioners nos. 4 and 5 reside fifty-six kilometres and forty-one kilometres away respectively, rendering the omnibus allegations of day-to-day physical and mental harassment entirely absurd and improbable. Drawing the attention of this Court to the unimpeachable medical documents annexed to the petition, the learned counsel emphasized that during the relevant timeframe in the year 2020, petitioner no. 1 was suffering from critical respiratory and surgical ailments, specifically diagnosed with right-sided recurrent pneumothorax, fissure in ano, and umbilical hernia, necessitating continuous hospitalizations and medical interventions at Bankura Sammilani Medical College and Hospital, Christian Medical College at Vellore, and Vivekananda Hospital Private Limited at Durgapur. It was urged that a person battling such life-threatening pulmonary complications could not have physically inflicted the violent assaults or forced abortions attributed to him. Furthermore, the petitioners highlighted that while the FIR mentions dowry items worth Rs. 3,00,000/- and twenty bhoris of gold, the monetary claim in the opposite party's written statement in the matrimonial suit spirals to Rs. 14,30,000/-, exposing the retaliatory and exaggerated nature of the prosecution.

5. *Per contra*, the learned counsel appearing for the State and the private opposing party vehemently opposed the revisional application, submitting that the charge-sheet discloses *prima facie* ingredients of cognizable offenses, particularly under Section 498A of the IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961. It was contended that the disputed questions of fact, the truthfulness of the allegations regarding dowry demands, physical cruelty, and the alibi concerning medical treatment cannot be evaluated in a mini-trial by this Court in exercise of its extraordinary jurisdiction under Section 482 Cr.P.C., and that such matters must be tested during the full-fledged trial already underway before the learned trial court.

6. Upon a comprehensive evaluation of the pleadings, the rival contentions, and the materials placed on record, the core questions that emerge for proper determination in this revisional application are:

> **Firstly,** Whether the allegations made in the FIR and the consequential charge-sheet, even if accepted on their face value, disclose the essential ingredients of the offenses alleged against the petitioners, particularly in the context of distant relatives and vague omnibus assertions?
>
> **Secondly,** Whether the contemporaneous medical records demonstrating severe hospitalization and illness of petitioner no. 1 during the relevant period completely shatter the substratum of the prosecution's narrative regarding physical assault?

Thirdly, Whether the continuation of the criminal proceeding constitutes an abuse of the process of law, warranting the invocation of the inherent powers of this Court under Section 482 Cr.P.C. to secure the ends of justice?

7. Taking up the discussion on the facts, legal principles, and judicial precedents, I must consider of the cardinal parameters laid down by the Hon'ble Supreme Court regarding the exercise of inherent powers for quashing criminal proceedings. In the landmark judgment of *State of Haryana & Ors. v. Bhajan Lal & Ors.*, *[1992 Supp (1) SCC 335]*, the Apex Court catalogued illustrative categories where such power can be exercised, notably where the allegations made in the first information report or the charge-sheet do not *prima facie* constitute any offense or make out a case against the accused, or where the criminal proceeding is manifestly attended with mala fide and/or is maliciously instituted with an ulterior motive for wreaking vengeance on the accused. This principle has been consistently reiterated in subsequent rulings, including *Geeta Mehrotra & Anr. v. State of Uttar Pradesh & Anr.*, *[(2012) 10 SCC 741]*, wherein the Hon'ble Supreme Court emphatically held that casual references to the names of family members in a matrimonial dispute do not form the basis of a criminal prosecution under Section 498A IPC unless specific, distinct overt acts are attributed to each individual.

8. Examining the first core question concerning the nature of allegations against the petitioners, a meticulous scrutiny of the FIR reveals that general and sweeping allegations have been hurled indiscriminately

against all family members without specifying any distinct role, time, or specific act attributable to the extended relatives being petitioners no. 2 to 5, who reside at separate addresses away from the immediate matrimonial household. As cautioned by the Hon'ble Supreme Court in *Preeti Gupta & Anr. v. State of Jharkhand & Anr., [(2010) 7 SCC 667]*, it is a matter of common knowledge that exaggerated versions of incidents are frequently reflected in complaints arising out of matrimonial discord, and roping in all close relatives of the husband has become a common tendency. The relevant observations of the Apex Court in *Preeti Gupta*, at paragraph 32 of the report, where it was noted that impleading distant relatives without specific allegations causes grave injustice, for the sake of repetition, is reproduced below:

> *"**32.** It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive."*

In the present matter, the allegations levelled in the FIR against the extended relatives of the petitioner are vague; and do not disclose any specific role with date and time particulars attributable to the said distant relatives (petitioners nos. 2 to 5), as such, they fall short of *prima facie* fulfilling the essential ingredients of the offences charged thereunder. The first question, therefore, is answered in the negative, against the prosecution.

9. Turning to the second core question regarding the physical capability of petitioner no. 1 to commit the alleged acts of brutal violence during the timeframe in question, the unimpeachable medical records (Annexure P-4) establish beyond a shadow of doubt that petitioner no. 1 was suffering from a severe right-sided recurrent pneumothorax, fissure in ano, and umbilical hernia, requiring prolonged hospitalizations at Bankura Sammilani Medical College, Christian Medical College at Vellore, and Vivekananda Hospital Private Limited at Durgapur. When a person is undergoing intensive medical care and surgical management for critical pulmonary ailments, the prosecution's theory that he was actively inflicting violent physical assaults and kicking his wife's abdomen becomes inherently absurd, fabricated, and completely divorced from reality. While disputed questions of fact are normally left for trial, however, where documentary evidence is of such sterling and irrefutable quality that it destroys the foundation of the prosecution's case, this Court is not helpless to prevent a miscarriage of justice. The second question, is accordingly answered in the affirmative, against the prosecution.

10. Evaluating the third core question, the glaring discrepancies between the financial claims raised in the criminal complaint and the civil matrimonial suit, coupled with the twenty-three-days' delay in lodging the FIR following the wife's departure from her matrimonial home on June 11, 2020, clearly demonstrate that the criminal machinery has been set in motion as an instrument of pressure and retaliation. To permit the continuation of a criminal trial under such circumstances

against the husband and his extended family members would result in a sheer abuse of the process of court and operate as an engine of harassment. The third question is also answered in the affirmative, against the prosecution.

11. Accordingly, for the reasons recorded above, the revisional application succeeds. C.R.R. 5337 of 2025 is allowed.

12. The entire criminal proceeding arising out of Arambagh Women Police Station Case No. 40 of 2020 dated 04.07.2020 under Sections 498A/325/307/313/406/506/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961 corresponding to G.R. No. 648 of 2020, now pending before the learned Additional Chief Judicial Magistrate at Arambagh, is hereby quashed and set aside as against all the petitioners.

13. All connected pending applications, if any, stand disposed of.

14. Interim order, if any also stands vacated.

15. There shall be no order as to costs.

16. Let a copy of this judgment along with the Trial Court Records (T.C.R.) be transmitted to the learned Trial Court forthwith for necessary information and compliance.

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

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

(Uday Kumar, J.)