

23
(Ct. No. 29)
08.05.2026
(Susanta)

CRR 761 of 2026
Ajit Kumar Das & Anr.
Vs.
The State of West Bengal & Anr.

Ms. Debisree Adhikary,
Mr. Sounavo Basu,

...for the petitioners.

The petitioners herein are the father-in-law and the mother-in-law of the complainant. The petitioners herein have preferred the instant application seeking quashment of the proceeding being C, Case No. 1872 of 2020 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 presently pending before the learned 2nd Judicial Magistrate, Barasat.

Being aggrieved by the continuance of the said proceeding learned Counsel for the petitioners submits that after ten days of marriage both the husband and the opposite party no. 2 shifted Bangalore and never returned to Darjeeling at the residence of the petitioners. The place of abode of the husband had always been the matrimonial home for the opposite party no. 2 until their separation being in Bangalore for the period from 2013-2016 and then in Singapore for the period from 2016-2017 and thereafter in Australia for the period from 2018-2020 until they returned India on March, 2020 and separated from each other. Therefore, the petitioners had never share the same household with that of the opposite party no. 2.

The son of the petitioners, namely, the husband of the de facto complainant filed the divorce application on 05.10.2020 on

the ground of adultery and cruelty. It is alleged that immediately after receiving the summon of the said matrimonial suit, the opposite party herein initiated a proceeding under Section 498A of the Indian Penal Code and one month thereafter the instant proceeding under the Protection of Women from Domestic Violence Act, 2005 alleging self-same set of facts has been initiated.

The proceeding initiated under Section 498A of the Indian Penal Code has already been quashed by the High Court vide judgment and order dated 23rd December, 2025. The instant proceeding which is based on the self-same allegation is also liable to be quashed qua the petitioners.

Having heard the learned Counsel for the petitioners, the application stands admitted.

Petitioners are directed to serve a copy of application upon the State through the office of the Public Prosecutor, High Court Calcutta and upon the opposite party no. 2 through speed post intimating next date of hearing and to file affidavit-of-service on the returnable date.

Let the matter be listed in the **Monthly List of July, 2026**.

Learned Counsel for the petitioners also prays for interim relief.

Having heard the learned Counsel for the petitioner and that the petitioners have made out an arguable case, let the impugned proceeding being C. Case No. 1872 of 2020 presently pending before the learned 2nd Judicial Magistrate, Barasat is hereby stayed qua the petitioners, namely Ajit Kuamr Das and Tapashi

Das for a period of twelve weeks or until further orders whichever is earlier.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)