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CRR 1296 of 2026

**Joy Mondal & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Samrat Mondal

...for the Petitioners

The petitioners herein are aggrieved with the proceeding in connection with New Town Police Station case no. 186 of 2022 corresponding to G.R. case no. 3196 of 2022, presently pending before the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that the complaint has been filed after five years of the alleged occurrence and the delay has not been explained anywhere. He further submits that the allegations made in the FIR, even if taken at their face value, do not disclose the essential ingredients of the offence alleged against the petitioners. In the complaint, no specific overt act has been attributed against any of the petitioners and the complaint fails to disclose any specific incidence of cruelty within the meaning of Section 498A of the IPC and it merely contains bald allegations without material particulars regarding date, time and manner of the alleged acts.

Initially, all the petitioners were booked under Sections 379 and 406 of the IPC also but the Investigating agency did not find any material in support of such

allegations and accordingly omitted the said offence from the charge-sheet, which clearly demonstrates the falsity and exaggeration of the allegations made in the FIR.

Relying upon the judgment of the Apex Court passed in **Charul Shukla Vs. State of U.P. & Others** reported in **2026 INSC 297**, learned counsel for the petitioners further submits that the mere statement that the accused persons frequently demanded dowry and harassed the complainant for the same, is not sufficient to constitute offence under Section 498A of the IPC. In this context, he further submits that the delay of nearly five years should be treated as fatal to the prosecution case, especially when the same has not been properly explained. Therefore, further continuance of the impugned proceeding would be nothing but a mere abuse of process of the court. Accordingly, he prayed for quashing of the impugned proceeding.

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

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

Let the matter appear in the Monthly list of June, 2026 under the heading **“Contested Application”**.

Learned counsel for the petitioners prays for stay of the impugned proceeding.

Having heard learned counsel for the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let all further proceedings being G.R. case no. 3196 of 2022, presently pending before the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas be stayed for a period of eight weeks or until further order, 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.)