

22.04.2026
Sl. No.37 & 49..
D/L.
Mithun.
Ct.No.29.

CRR/1279/2026
Prasenjit Saha
Vs.
Sukanta Bhattacharjee & Anr.
With
CRR/1305/2026
Alo Saha & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Debottam Das

...for the petitioner

As prayed for by the petitioner, let the instant application being CRR 1279 of 2026 be tagged with CRR 1305 of 2026.

In these applications the petitioner has prayed for quashing of the G.R. Case No.8937 of 2024 presently pending before learned Additional Chief Judicial Magistrate, 2nd Court, Baruipur. The petitioners in the Applications are the husband and the in laws of the opposite party no. 2.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that they have been falsely implicated with an ulterior motive to exert undue pressure upon them in the backdrop of the matrimonial dispute between the parties. The allegations are exaggerated and omnibus in nature. Such generalized complaint does not constitute the offences alleged in the written complaint. The complaint itself alleges that the husband of the opposite party no.2 used to misbehave while under intoxication, which has not been substantiated during investigation

and also does not disclose the ingredients required to constitute offence under Section 85 or 316(2) of the BNS.

He further submitted that prior to lodging of the instant complaint, the complainant had already instituted a matrimonial proceeding seeking dissolution of marriage being MAT Suit No.471 of 2023 dated 17.05.2023. Therefore, the present FIR is an afterthought and has been lodged with a mala fide intention and therefore further continuance of the impugned proceeding would be nothing but a mere abuse of the process of the Court. Respective petitioners have prayed for quashing of the impugned proceedings qua the petitioner of the respective applications.

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

Petitioner is directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon 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 under the heading "Contested Application" on 18th May, 2026.

State is directed to produce the Case Diary on the date fixed.

Petitioner will be at liberty to pray for interim relief after serving copy to the opposite parties.

Petitioner will also be at liberty to pray for accommodation before the Court below if any date is fixed by the Court below in the meantime.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)