

28.04.2026
26.
Bd.
Ct. 29

CRR 1342 of 2026

Biplab Ghosh
Vs.
The State of West Bengal & Anr.

Mr. Angshuman Chakraborty
Mr. S.S. Saha ... for the petitioner.

In this application the petitioner is aggrieved with the impugned proceedings being Complaint Case No. 1683 of 2022 under section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking relief under sections 18,19,20,21,22 of the Protection of Women from Domestic Violence Act, 2005 presently pending before learned Additional Chief Judicial Magistrate, Barasat.

Being aggrieved by the impugned proceeding, learned counsel for the petitioner submits that the opposite party no. 2/wife herein voluntarily left her matrimonial house and is staying with her paramour in a separate rented house, hence the impugned proceeding is clearly sheer abuse of the process of the court.

He further submits that the matrimonial tie between the petitioner and the opposite party/wife has been dissolved by a decree on 16.12.2025. He further submits that the present proceeding under the Domestic Violence Act, is a retaliation against the proceeding initiated by the petitioner against her and her paramour under the different provisions of IPC and the POCSO Act.

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

Petitioner is directed to serve a copy of application 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 under the heading “Contested Application” on 19th May, 2026.

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 trial court, if any date is fixed in the meantime.

(Dr. Ajoy Kumar Mukherjee, J.)