

18.06.2026

Serial no. 37

[Srimanta]

Ct. No. - 29

CRR 1717 of 2026

In re : An Application under Section 528 read with Section 442 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : Shri Anabil Das & Ors.

... .. Petitioners.

*Mr. Amajit De,
Mr. Anirban Das,
Mr. Gouranga Dey, Advocates*

... .. For the Petitioners.

1. Petitioners seek liberty to delete the name of petitioner no. 1, Shri Abhishek Das, who is the husband of de facto complainant.
2. Liberty is granted.
3. In this application the petitioner no. 2 is the father-in-law, petitioner no. 3 is the mother-in-law, petitioner no. 4 is the sister-in-law and the petitioner no. 5 is the husband of petitioner no. 4. Learned Counsel appearing on behalf of the petitioners submits that they are innocent and are no way connected with the alleged offence. He further submits that on earlier occasion one FIR was registered being Bidhannagar Women Police Station Case No. 15/2020 dated 10.09.2020 under Sections 498A/406 of Indian Penal Code which ended in acquittal by a judgment and order passed by the Trial Court on 23 July, 2021.

4. It is submitted that on the basis of similar allegations, the de facto complainant/opposite party no. 2 has initiated the instant proceeding. The Investigating Officer submitted charge-sheet though he failed to take note of the judgment passed by the competent Criminal Court whereby the petitioners were acquitted after trial. He also did not consider that the charges against the petitioners in the previous criminal proceeding had not been proved which clearly goes to show that the basis of the allegation against the petitioners are prima facie baseless and false. The present petitioners who are the in-laws of the de facto complainant were not in touch with the de facto complainant at the relevant point of time. The entire allegation leveled in the complaint is against the husband. Therefore, further continuance of the impugned proceeding against the present petitioners, in-laws would be mere abuse of the process of the Court.
5. Having heard learned Counsel for the petitioners, the application stands admitted.
6. Petitioners are directed to serve a copy of application upon the State through office of 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.

7. Let the matter be listed in the Combined Monthly List of August, 2026.
8. Learned Counsel for the petitioners also prayed for interim relief.
9. Having heard learned Counsel for the petitioners it appears that the petitioners have made out an arguable case which requires adjudication on merits. Let all further proceeding being G.R. Case No. 4919/2024 be hereby stayed qua Shri Anabil Das, Smt. Gouri Das, Smt. Sayannita Das, Shri Sandip Yadav for a period of eight weeks or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)