

23.04.2026

Sl. No.05.

D/L.

Mithun.

Ct.No.29.

CRR/1722/2026

Biplab Kumar Ray @ Biplab Kumar Roy

Vs.

State of West Bengal & Anr.

Mr. Soupal Chatterjee,
Ms. Madhumita Chatterjee

...for the petitioner

The petitioner herein has prayed for quashing of the proceeding being T.R. No.51 of 2025 presently pending before learned Judicial Magistrate, 3rd Court, Krishnanagar. In the said proceeding, the opposite party no.2 herein has claimed that she is the legally married wife of the petitioner and thereby she had claimed monthly maintenance of Rs.50,000/- per month.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that the alleged marriage between the petitioner and the opposite party no.2 is *void-ab- initio* in the eye of law as the opposite party no.2 had a spouse living at the time of purported marriage with the petitioner on 14th February, 2024. Therefore, no legal marital relationship exists between the petitioner and opposite party no.2 and thereby claim of maintenance under Section 144 of the BNS is wholly misconceived and not sustainable in the eye of law. The aforesaid proceeding has been initiated suppressing the material fact and, therefore, further continuance of the impugned proceeding will be mere abuse of the process of the Court.

Having heard learned Counsel for the petitioner, the application is 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 "To Be Mentioned" on 9th June, 2026.

Learned Counsel for the petitioner prays for stay of the impugned proceeding.

Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case of void marriage, let the impugned proceeding being T.R. No.51 of 2025 presently pending before learned Judicial Magistrate, 3rd Court, Krishnanagar be hereby stayed for a period of 12 weeks or until further order, whichever is earlier.

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.)