

**09.06.2026**

Sl. No.17.

D/L.

Mithun.

Ct.No.29.

**CRR/1787/2026**

**Sri Manojit Jana @ Manojit Jana & Ors.**

**Vs.**

**The State of West Bengal & Anr.**

Mr. Surajit Basu,  
Ms. Jasika Alam

...for the petitioners

Leave to correct the name of the trial Court is granted.

Certified copy of FIR and written complaint are taken on record.

Petitioners herein have prayed for quashing of the impugned proceeding being G.R. Case No.627 of 2026 presently pending before learned Additional Chief Judicial Magistrate, Arambagh.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that a bare reading of the impugned FIR discloses no specific instance and refers no casual connection between the alleged conduct of the petitioner and any of the ingredients necessary to constitute either of the offences mentioned in the FIR. The impugned FIR consists entirely general and omnibus allegations. He further submits that a wife who voluntarily abandons the matrimonial home and thereafter refuses to resume matrimonial tie cannot be said to be a victim of cruelty within the meaning of Section 85 of the BNS, 2023. In fact the registration of the impugned FIR in the teeth of this conciliatory effort underscores its mala fide character. The impugned FIR was

registered on 8<sup>th</sup> April, 2026 nearly 2 years after the complainant allegedly left the matrimonial home on 21.08.2024. Complainant did not bother to offer any explanation for that. Therefore, further continuance of the impugned proceeding would cause irreparable harm, injury and prejudice to the reputation, dignity, livelihood and personal liberty of all the petitioners and accordingly they have prayed for quashing the impugned proceeding.

Having heard learned Counsel for the petitioners, the application is admitted.

Petitioners are 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 in the Monthly List of August, 2026.

Learned Counsel for the petitioners also prays for interim relief.

Having heard learned Counsel for the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let the investigation proceed but the Investigating Authority shall not take any coercive step against the petitioners for a period of 8 weeks or until further order, whichever is earlier on condition that the petitioners shall make all sorts of cooperation with the investigating agency. However, this order will not preclude the Investigating Agency to submit final report in either form after completion of investigation.

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. )**