

19.05.2026

36.

Bd.

Ct. 29

**CRR 2029 of 2026**

**Soumava Sarkar @ Saumova Sarkar & Ors.**

**Vs.**

**The State of West Bengal**

**Mr. Bidyut Kumar Halder**

**Mr. Indranil Halder ... for the petitioners.**

Leave to incorporate the name of opposite party no. 2 in the cause title of the application is granted.

In this application the petitioners have prayed for quashment of the GR Case No. 1592 of 2026 arising out of Shibpur Police Station Case No. 143 of 2026 under sections 85/316(2) of the BNS read with sections 3/ 4 of the Dowry Prohibition Act pending before learned Chief Judicial Magistrate, Howrah.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that the allegation admittedly pertains to a matrimonial dispute and the defacto complainant has tried to give the disputes a criminal colour just to harass the petitioners. From the complaint it would reveal that there was no entrustment of property by the complainant upon the petitioners and therefore section 316(2) of the BNS has got no application in the instant case and furthermore the investigating agency has already seized all the articles from the petitioner's house. The purported allegation in the written complaint under section 85 of the BNS is so absurd and inherently improbable that a prudent person can never

reach a conclusion that any prima facie case is made out against the petitioners. The only intention of the complainant is to wreck vengeance against the petitioners without any iota of materials. Therefore, further continuance of the impugned proceeding would be a mere abuse of the process of the court. Accordingly, he prayed for quashment of the impugned proceeding.

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

Petitioners are directed to serve a copy of application upon the opposite party no. 1/State through the office of the 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.

Let the matter be listed under the heading "Contested Application" in the monthly list of July, 2026.

**(Dr. Ajoy Kumar Mukherjee, J.)**