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CRR 2271 of 2025

**Baghambar Pal & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Monish Sen
Ms. Oisani Mukherjee ...for the Petitioners

The petitioners, who are parents-in-law and sister-in-law and husband of sister-in-law of the defacto-complainant have assailed the impugned proceeding being G.R. case no. 210 of 2024, presently pending before learned Additional Chief Judicial Magistrate, Durgapur on the ground that they have been falsely implicated in a proceeding under Sections 498A/406/34 of the IPC, alleging that at Vizag, she was subjected to physical and mental torture inflicted by her husband on demand of an SUV car and that her husband was addicted to liquor and regularly inflicted torture upon the complainant under influence of liquor.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that since after marriage the opposite party no. 2 all along resided with her husband at Vizag, therefore the present petitioners had no scope in making any kind of torture upon her. The petitioner nos. 3 and 4 who are sister-in-law and husband of sister-in-law in relation respectively to the opposite party no. 2 had started residing, long before the marriage of defacto-complainant,

at Cooch Behar, where the petitioner no. 3 is working as an Assistant Professor of a Government college. He further submits that no specific allegation has been made against any of the petitioners and as such, further continuance of the impugned proceeding on the basis of omnibus allegation, qua the petitioners would be nothing but a mere abuse of process of the court.

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

Petitioners are directed to serve a copy of the application upon the State through the office of the Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 by speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear in the Monthly list of June, 2026 under the heading **“Contested Application”**.

Learned counsel for the petitioners prays for stay of the impugned proceeding.

Having heard learned counsel for the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let the impugned proceeding being G.R. case no. 210 of 2024, presently pending before the learned Additional Chief Judicial Magistrate, Durgapur be stayed for a period of eight weeks or until further order, whichever is earlier qua the

petitioners namely, **Baghambar Pal, Manju Rani Pal, Sarbeswar Halder and Jayati Pal (Halder).**

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)