

18.06.2026

Serial no. 38

[Srimanta]

Ct. No. - 29

CRR 2276 of 2026

In re : An Application under Sections 482 of the Code of Criminal Procedure, 1973 corresponding to Section 528 of the Bharatiya Nagarik Sureaksha Sanhita, 2023

-And-

In the matter of : PRATIP KUMAR GHOSH

... .. Petitioner

*Mr. Ayan Bhattacharyya, Sr. Adv.,
Mr. Shounak Mondal,
Mr. Sumit Biswas,
Mr. Purnankar Biswas,
Ms. Rajashree Bhowmick, Advocates*

... .. For the Petitioner.

1. The petitioner herein has prayed for quashment of the proceeding being ACGR Case No. 2245/2013 under Section 498A/406 of the Indian Penal Code presently pending before learned Judicial Magistrate, 9th Court, Alipore.
2. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that the narrative in the FIR is self-contradictory and inheritantly improbable. Furthermore, charge-sheet is cryptic and does not disclose what role has been attributed against each of the accused persons. The FIR is a product of exaggeration and embellishment, evidently intended to rope in the entire family of the husband without any legal basis. Petitioner in this context has relied upon a judgment of **Sharif Ahmed**

& Anr. –Vs.- State of Uttar Pradesh & Anr. Reported in **(2024) 14 SCC 122.** Petitioner further submits that the charge was framed in this case on 8th August, 2019 and the prosecution proposes to examine eight witnesses. However, not a single witness has been examined so far by the Court below and, therefore, he also seeks remedy under Article 21 of the Constitution of India. He further submits that he also initiated a proceeding against the family members of the de facto complainant for unnatural death of the de facto complainant. He further submits that there is no allegation attracting the essential ingredients of either Section 498A of Indian Penal Code or Section 406 of Indian Penal Code. Therefore, further continuance of the impugned proceeding would be mere abuse of the process of the Court.

3. Having heard learned Counsel for the petitioner, the application stands admitted.
4. Petitioner is 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.
5. Let the matter be listed in the Combined Monthly List of August, 2026.
6. Petitioner also prayed for interim relief.

7. Having heard learned Counsel for the petitioner and that the petitioner has made out an arguable case which requires adjudication on merit, let all further proceeding in connection with A.C.G.R. 2245/2013 presently pending before learned Judicial Magistrate, 9th Court at Alipore, South 24-Parganas be hereby stayed for a period of eight weeks qua the petitioner, Pratip Kumar Ghosh.

(Dr. Ajoy Kumar Mukherjee, J.)