

16.07.2026

Serial no. 18

[Srimanta]

Ct. No. - 29

CRR 2718 of 2026

ASIF HUSSAIN @ ASIF HOSSAIN & ORS.

-VS-

STATE OF WEST BENGAL & ANR.

*Mr. Samrat Choudhury,
Mr. Ami Hoque, Advocates*

... .. For the Petitioners.

1. In this application, the petitioners have prayed for quashing of proceeding in connection with Beniapukur Police Station Case No. 215/2023 under Sections 498A/406/313/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act presently pending before learned Additional District and Sessions Judge, 1st Court, Sealdah.
2. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that the allegations against the petitioners are general and omnibus in nature. If the materials collected during investigation are taken into consideration, it does not disclose any offence against any of the petitioners. In fact, the petitioners have been falsely implicated in the instant case out of personal grudge. The instant criminal proceeding has been initiated almost after two months from the date the opposite party deserted herself from the matrimonial home and such delay is unexplained which raises a great doubt over the genuinity of the allegations leveled in the FIR. The opposite party no.

2 herein has voluntarily left her matrimonial home and, thereafter, the petitioners made several attempts to bring her back to reconstitute the conjugal life and, thereafter, the petitioner/husband filed a suit for restitution of conjugal life as well but the de facto complainant instead of returning her matrimonial home had lodged the instant complaint on the basis of absurd and improbable allegations and, therefore, the proceeding is not sustainable in the eye of law.

3. Having heard learned Counsel for the petitioners, the application is admitted.
4. Petitioners are directed to serve a copy of application upon the State during 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 September, 2026.
6. Learned Counsel for the petitioners prays for an interim relief.
7. Having gone through the documents annexed by the petitioners which were collected during investigation including the statement of Dr. Molla Abdul Kasem and statement of other witnesses and documents, I find that the petitioners have made out an arguable case which requires

adjudication on merits. In such view of the matter, let all further proceeding of Sessions Case No. 33/2026 presently pending before learned Additional District and Sessions Judge, 1st Court, Sealdah is hereby stayed for a period of eight weeks or until further orders whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)