

09.09.2025.
p.b.
S.L. No.4.
Ct. No.9.

CRR 2987 of 2025

In Re:- Prateek Bothra.

Mr. Soumya Nag,
Mr. Rajdeep Sengupta,
Mr. Mayukh Majumder.
.....for the petitioner.

Learned advocate for the petitioner is present.

The petitioner in this case has sought for quashing of G.R. Case No.2773/2024 arising out of Dum Dum P.S. Case No.153/2024 dated 21st April, 2024, pending before learned 5th Judicial Magistrate at Barrackpore.

It is the contention of the petitioner that although the marriage between the petitioner no.1 and the opposite party no.2 is dissolved by a mutual decree under Section 13(B) of the Hindu Marriage Act, 1955, but the instant case is still pending before the learned Magistrate is not yet dropped.

Learned advocate also draws the attention to the letter issued by the defacto complainant/opposite party no.2, wherein the defacto complainant expressed her intention to withdraw from the case as the matter is settled. The learned advocate relies upon a decision of

the Hon'ble Supreme Court in the matter of Mohd. Shamim & Ors. Vs. Nahid Begum (Smt.) & Anr. reported in (2005) 3 SCC 302.

Upon perusing the petition and upon hearing the learned advocate for the petitioner, this Court is of the view that this application should be admitted. Thus, I admit this revisional application.

Let notice be issued to the opposite parties within one week.

Affidavit of service be filed forthwith.

Let this matter appear two weeks after vacation.

Pending hearing of this application, there shall be stay of further proceedings of G.R. Case No.2773/2024 arising out of Dum Dum P.S. Case No.153/2024 dated 21st April, 2024, pending before learned 5th Judicial Magistrate at Barrackpore, for a period of four weeks after vacation.

(Biswaroop Chowdhury, J.)