

08.12.2022
Item No.34 ML
Suman
Ct.42

CRR 3553 of 2022

Alok Kumar and Ors.
Vs.
The State of West Bengal & Anr.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Rishav Singh
...for the petitioner

The petitioners have approached this Court for quashing of a proceeding of Suri P.S. Case No.364 of 2022 corresponding to G.R. Case No.1094 of 2022 under Sections 498A/307/313/406/34 of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act.

It is submitted by the learned senior counsel on behalf of the petitioners that the petitioner No.1 is the husband of the opposite party No.2/de facto complainant. Their marriage was solemnized according to Hindu rites and ceremonies on 27th June, 2019. Subsequently, as a result of matrimonial discord she returned to her paternal home at Suri in the district of Birbhum. However, on 26th July, 2021 she lodged a written complaint at Dumka P.S. stating, inter alia, that after marriage she went with her husband to Mumbai

where her husband used to work. They were living happily. Subsequently, her mother-in-law, sister-in-law and brother-in-law came to Mumbai and started to torture her on demand of further dowry. They also influenced her husband to inflict torture upon her. On the basis of the said complaint, police registered Dumka P.S. Case No.11 of 2021 under Sections 315/498A/34 of the Indian Penal Code against the accused persons. Investigation of the said case ended in filing final report by the police on the ground of want of evidence. The de facto complainant did not file any protest petition against the said final report. On the contrary, she lodged another complaint before the Officer-in-charge of Suri P.S. making self-same allegations against the petitioners. Only departure in the subsequent FIR is a narration of incident dated 27th July, 2022 wherein she alleged that her mother-in-law, sister-in-law and maternal uncle came to her resident and pressurized her to divorce her husband. When she refused to put her signature on certain documents, she was pushed and abused. It is submitted by the learned senior counsel for the petitioner that even if such allegation is accepted on its face value, no cognizable offence is disclosed.

The issue i.e., germane for adjudication in the instant revision is as to whether after submitting the

final report on the self-same incident on conclusion of investigation by the competent police officer, whether second complaint in another police station with the same allegation can be entertained.

The instant revision be admitted.

The petitioners are directed to serve notice upon the private opposite party under registered speed post with A/D and file affidavit of service within three weeks from the date of this order.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceedings in connection with G.R. Case No.1094 of 2022 pending before the learned Chief Judicial Magistrate at Suri, Birbhum be stayed for a period of six weeks.

Liberty to mention.

(Bibek Chaudhuri, J.)