

20.02.2025.  
06.  
Ct.No.28.  
as

**C.R.R. 3860 of 2024**

***In Re:- An application under Section 528 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023.***

In the matter of : ***Dipankar Ghorui & Ors.***

.... Petitioners.

Mr. Prantick Ghosh,

Mr. Prasad Bhattacharyya.

...for the Petitioners.

1. Petitioners submit opposite party-wife deserted the matrimonial home in 2015. Petitioner no.1-husband filed a suit for restitution in 2018 which came to be decreed. Thereafter, in 2020 impugned criminal proceeding has been maliciously instituted.
2. In light of the aforesaid submission petitioner has made out a case of belated institution of proceeding in a *mala fide* manner.
3. Copy of the application be served upon opposite party Nos.1 to 3 through registered speed post with acknowledgement due and file affidavit of service on the next date of hearing.
4. Matter will appear as contested application four weeks hence.
5. There shall be stay of operation of the impugned proceeding being G.R. No.318 of 2020 arising out of Bagnan Police No.67 of 2020 dated 09.02.2020 under Sections 498A/506/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act pending before the learned

Judicial Magistrate, 1<sup>st</sup> Court at Uluberia, Howrah for a period of six weeks from date or until further orders, whichever is earlier.

6. Liberty is given to the parties to pray for extension and/or vacation and/or modification of this order upon notice to the other side.

7. Urgent Photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

**(Joymalya Bagchi, J.)**