

12.06.2026

Serial no. 32

[Srimanta]

Ct. No. - 29

CRR 4259 of 2025

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 : RAJESH SHARMA AND ANOTHER

... .. Petitioners

*Mr. Saurabh Guhathakurata,
Mr. Abhratam Sarkar, Advocates*

... .. *For the Petitioners.*

1. Supplementary affidavit filed by the petitioners is taken on record.
2. Petitioner no. 1 is the husband and the petitioner no. 2 is the mother-in-law/de facto complainant who have been arraigned under Sections 498A/406/114 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act corresponding to CGR Case No. 1107/2022 presently pending before the Learned Chief Judicial Magistrate, Alipore and investigation of which has already culminated into a charge-sheet.
3. Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that the petitioner no. 1 had initiated a divorce suit against opposite party no. 2 being MAT Suit No. 1543/2019 / 3254/2021 and the instant complaint has been lodged after four years from

the institution of the said divorce suit by the petitioner no.

1. He further submits that entire F.I.R. initiated by the opposite party no. 2 is out of vengeance and spite against the petitioner and there are no incriminating materials available for trial against the petitioners. The allegations leveled in the F.I.R. are absurd and inheritantly improbable and as such continuance of further proceeding against the present petitioners would be an abuse of the process of the Court.

4. Having heard the learned Counsel for the petitioners, the application stands admitted.
5. Petitioners are directed to serve a copy of application upon the opposite party no. 2 through speed post intimating next date of hearing and upon the State through the office of Public Prosecutor, High Court, Calcutta.
6. Let the matter be listed in the Combined Monthly List of August, 2026.
7. Learned Counsel for the petitioners also prays for interim relief.
8. Having heard learned Counsel for the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let the impugned proceeding being CGR Case No. 1107/2022 presently pending before learned Chief Judicial Magistrate, Alipore is

hereby stayed for a period of 10 weeks or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)