

25.02.2025
sdas/tkm/ct 28
sl no.26

C.R.R. 4005 of 2024

In Re : An application under section 438/528 of the Bharatiya Nagarik
Suraksha Sanhita 2023

And

In Re : Suraj Saha & Anr.

..... petitioners

Mr. S K Mallick
Mr. Mazahar Hossain Chowdhury
Mr. Chandrima Debnath
Ms. Sahin Sultana

..... for the petitioners

1. Petitioners submit opposite party no. 2 had cohabited with him knowing that he had an earlier marriage. Instant proceeding has been maliciously instituted. He prays for quashing.

2. I have considered the materials on record. Opposite party no. 2 instituted the proceeding alleging cheating and rape. In the FIR she admitted she was aware of the earlier marriage and had cohabited out of love and affection. Allegations of cruelty are vague and non-specific. Petitioners have made out an arguable case of quashing the proceeding.

3. Let the matter appear six weeks hence.

4. There shall be stay of all further proceedings in connection with GR case no. 3927 of 2023 pending before the learned ACJM Baruipur Soth 24 Parganas for six weeks or until further orders whichever is earlier.

5. Copy of the petition be served upon State through learned Public Prosecutor and upon private opposite party through registered speed post with acknowledgement due.

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.

(Joymalya Bagchi, J.)