

CRR 4185 of 2024

Subhojit Chatterjee & ors.
Vs.
The State of West Bengal & anr.

Adv. Sibojyoti Chakrabarti,
Adv. Dhiman Banerjee,

...for the petitioners.

Supplementary affidavit filed by the petitioners is taken on record.

The petitioners who are the husband, mother in law and sister in law of the private opposite party seek quashing of proceedings of G.R. case no. 1805 of 2024 pending before the learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas.

Learned counsel for the petitioners submits that the first petitioner was married to the private opposite party on 24th January, 2022 and the private opposite party left her matrimonial home voluntarily with most of her belongings on 3rd February, 2024. The matter was duly informed by the petitioners before the police station vide G.D. Entry dated 13th April, 2024 following which the first petitioner filed an application for restitution of conjugal rights under Section 9 of the Hindu Marriage Act on 15th April, 2024. The private opposite party lodged the present complaint on 13th May, 2024 and the petitioners have complied with the notice served upon them under Section 41A of the Code of Criminal Procedure. The petitioners are on bail. Charge sheet has been submitted upon completion of investigation and 21st December, 2024 is fixed by the learned trial Court for appearance.

Upon perusal of the material on record, this Court is of the view that the matter needs to be heard on merits.

The petitioners are directed to serve copy of the application along with annexure thereto and the supplementary affidavit upon the opposite parties and file affidavit of service on the adjourned date.

Let the matter appear under the heading 'Contested Application' in the monthly list of March, 2025.

Further proceedings of G.R. case no. 1805 of 2024 pending before the learned Judicial Magistrate, 2nd Court, Barasat, be stayed till 31st March, 2025 or until further orders, whichever is earlier.

(Suvra Ghosh, J.)