

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRR 59 of 2025

Sankar Kar & Anr.
Vs.
The State of West Bengal & Anr.

Mr. Jaydeep Kanta Bhowmik
Ms. Sayantani Das
Ms. Debi Sarkar ...for the petitioners

This is an application wherein the petitioners have prayed for quashing of the proceeding being Jalpaiguri Women Police Station case no. 192 of 2015 dated 16.11.2015 corresponding to G.R. case no. 4764 of 2015.

It is submitted on behalf of the petitioners that the defacto-complainant/opposite party earlier married with one, Prabir Pal. The marriage between the present defacto-complainant, Jayanti Kar and her said husband was dissolved under Section 13B of the Hindu Marriage Act only on 29th January, 2016 which is reflected from Annexure-P/1. Accordingly, when the said marriage with Prabir Pal was subsisting, there cannot be any marriage with Ranjit Mohan Kar on 7.7.2015 and thereby, the present petitioners who are the brother and sister-in-law of said Ranjit Mohan Kar, cannot be roped under Section 498A of the Indian Penal Code.

The petitioners are directed to serve a copy of the application upon the State through the office of the Public Prosecutor, Calcutta High Court, Circuit Bench at Jalpaiguri and upon the opposite party through speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear on 11.3.2025 under the heading **“Contested Application”**.

Since the petitioners have made out an arguable case, which is required to be heard on merit, let all further proceedings being Jalpaiguri Women Police Station case no. 192 of 2015 dated 16.11.2015 corresponding to G.R. case no. 4764 of 2015 be stayed for a period of twelve weeks or until further order, whichever is earlier.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)