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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

**CRR 59 of 2025
Re: An application under Section 528 of BNSS**

In Re : **Sankar Kar & Anr.** ... Petitioners.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Sayantani Das
... for the Petitioners.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil
... for the State

The petitioners seek quashing of G.R. case no. 4764/2015 pending before the learned Judicial Magistrate, 3rd Court, Jalpaiguri.

Learned counsel for the petitioners submits that the private opposite party was married to one Prabir Kr. Paul on 19th July, 1985 and her marriage was dissolved by a decree of mutual divorce under Section 13(B) of the Hindu Marriage Act on 29th January, 2016, Prior to dissolution of the said marriage, the present complaint was lodged by the private opposite party on 16th November, 2015 claiming that one

Ranjit Mohan Kar was her husband and the present petitioners and others are members of her matrimonial family. The written complaint indicates that Ranjit Mohan Kar expired on 7th July, 2015 and the complaint was filed thereafter. In the charge-sheet, one Mira Kar Sarkar has been named as one of the accused and referred to as the wife of Ranjit Mohan Kar. Learned counsel submits that the private opposite party as well as Ranjit Mohan Kar had their respective spouses when the present complaint was lodged and the complaint is not tenable in the eye of law.

I have considered the rival submissions made on behalf of the parties and the material on record. The matter relates to several factual aspects which need to be thrashed out by the learned trial Court during trial. Relevant witnesses are required to be examined by the learned trial Court in order to adjudicate the issue. This is not a case where the proceeding can be quashed at this preliminary stage without trial being conducted.

In view of the above, the revisional application is dismissed.

This Court is informed that the Court of the learned Judicial Magistrate, 3rd Court, Jalpaiguri is lying vacant for about a year. Since the matter is pending for long, the learned Magistrate who is in charge of the Court of the

learned Magistrate, 3rd Court, Jalpaiguri is directed to take up the matter for consideration and dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties, in accordance with law.

There shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)