

**HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRR 200 of 2025

MANMINDER SINGH AND ANR

Vs.

THE STATE OF WEST BENGAL AND ANR.

Mr. Sandip Mondal, Adv.

Mr. Amit Saha, Adv.

..... for the petitioner

Mr. Nilay Chakraborty, Ld. App.

Mr. Tapan Bhattacharjee, Adv.

... for the State.

1. Mr. Sandip Mondal, Learned Advocate, is appearing for the petitioner.
2. Mr. Nilay Chakraborty, Additional Public Prosecutor, is appearing for the State.
3. The petitioner has filed the present application praying for quashing of the proceeding initiated by the Pradhan Nagar Police Station being Case No. 237 of 2025 dated 04th April, 2025 under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.) pending before the Learned Additional Chief Judicial Magistrate, Siliguri.
4. Petitioner submits that the de facto complainant who has lodged complaint against the petitioner is not the wife of the petitioner. Counsel for the petitioner has relied upon certain

document which shows that the wife of the petitioner is Omi Rai (Singh) and the marriage between petitioner and Smt. Omi Rai Singh is registered marriage and in the marriage between the petitioner Omi Rai (Singh), three children were born but the de facto complainant has filed a false complaint claiming herself to be the wife of the petitioner.

5. Considering the submission made by the counsel for the petitioner, this Court finds that the petitioner has made out arguable case and is to be heard on merit and accordingly, the petitioner is directed to serve notice upon the opposite parties within a period of two weeks from date and to file affidavit of service on the next date fixed.
6. Let the matter appear before the next Circuit bench.
7. The investigating agency is free to proceed with the investigation but no cursive action shall be taken against the petitioner.

(Krishna Rao, J.)