

18.08.2025
SL. 13
Court No. 3
Suvayan

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

C.R.R. 405 of 2025

In Re: - An application under Section 528 of BNSS, 2023.
And

In the matter of: **Majibar Rahaman & Anr.**

....petitioners.

Mr. Subham Ghosh
Mr. Mayank Roy

...for the petitioners.

Mr. Adit Shankar Chakraborty, APP
Mr. Tapan Bhattachrjee

...for the State.

1. This is an application under Section 528 of BNSS.
2. By filing the instant application the petitioners who are the parents-in-law of the opposite party no. 2 has prayed for quashing for all further proceeding of Cooch Behar Women Police Station Case no. 40 of 2023 dated 10.04.2023 under Sections 498A/406/323 of the IPC, 1860 read with Sections 3/4 of the Dowry Prohibition Act and charge-sheet submitted therein vide Charge-Sheet no. 39 of 2023 corresponding to G.R. no. 623 of 2023 pending before the learned Chief Judicial Magistrate at Cooch Behar, District – Cooch Behar.
3. At the time of hearing, Mr. Ghosh, learned Advocate appearing on behalf of the petitioners at the very outset draws attention of this Court to page no. 29 of the instant petition for quashing being a copy of the letter dated 18.01.2023 as written by one Gulshan Shamrin Rahaman addressed to the I.C., Kotwali Police Station, Cooch Behar whereby and whereunder the said

informant intimated that on 02.10.2022 his wife who is the opposite party no. 2 herein deserted him and left her matrimonial home. It is further submitted by Mr. Ghosh that from the said written complaint dated 18.01.2023 it would reveal that the husband of the opposite party no. 2 had disclosed that after his marriage with the opposite party no. 2 he was subjected to enormous torture at the instance of the opposite party no. 2 and even on 06.01.2023 he was threatened by the opposite party no. 2 and the family members of her paternal home.

4. Drawing attention to page nos. 17 to 28 of the instant revisional application Mr. Ghosh submits before this Court that finding no other alternative the husband of the opposite party no. 2 who is the son of the present revisionists had filed a suit for dissolution of marriage on 21.03.2023 under Section 27(1)d of the Special Marriage Act, 1954 before the learned District Judge, Cooch Behar.
5. At this juncture, Mr. Ghosh took me to the copy of the written complaint as has been annexed at page nos. 12 and 13 of the instant revisional application. It is submitted that from the copy of the said written complaint it would reveal that the said written complaint was lodged on 10.04.2023. It is further submitted by Mr. Ghosh that on bare perusal of the said written complaint it would reveal further that the said written complaint was lodged only to harass the present accused petitioners and their son who is the husband of the *de facto* complainant and

the same is merely a counter blast to the matrimonial suit as filed by the present petitioners' son. It is further submitted that even during investigation no material could be collected by the I.O. with regard to the allegation as made against present petitioners as allegedly occurred on 08.03.2023.

6. Mr. Chakraborty, learned Additional Public Prosecutor appearing on behalf of the State while opposing such prayer has handed over the relevant Case Diary of the aforementioned P.S. case.
7. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court finds *prima facie* merit in the instant application for quashing as filed by the present petitioners.
8. In view of such, the petitioners are directed to cause service of notice upon the opposite party no. 2 along with a copy of the instant application for quashing under speed post and to file affidavit-of-service on the adjourned date.
9. Let the matter be listed before the available Circuit Bench of the November, 2025.
10. Considering the *prima facie* case made out by the present petitioners and also considering the urgency of the situation, let there be a stay of all further proceedings of G.R. case no. 623 of 2023 as pending before the learned Chief Judicial Magistrate, Cooch Behar till the last day of December, 2025 or till further order whichever is earlier.

(Partha Sarathi Sen, J.)

