

22.09.2023

Sayandeep

Sl. No. 08

Ct. No. 03

**HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

CRR 229 of 2023

Uttam Biswas & anr.

Vs.

State of West Bengal & anr.

Mr. Aniruddha Biswas

Mr. Sourav Sarkar

..... for the petitioners

Mr. Satarudriya Mukherjee

Ms. Oshmita Mukherjee

Mr. Debjit Kundu

..... for the O.P. No. 2

The petitioners in the present writ petition is challenging the Malbazar P.S. case No. 353 of 2020 dated 03.10.2020 under Section 498A IPC corresponding to GR case No. 4284 of 2020 pending before the Court of Judicial Magistrate, 2nd Court at Jalpaiguri.

Learned counsel for the petitioner submits that the petitioner No. 1 is the maternal cousin (mamato devar) and petitioner No. 2 is the aunt-in-law (mami sasuri) of the husband of the defacto complainant. There is a matrimonial dispute between the defacto complainant and her husband. Learned counsel for the petitioner has pointed out that they were not named in the

original complaint dated 09.09.2020 filed by the opposite party No. 2. However, later the names were added on the ground that she had forgotten to mention their names of the petitioner in the original complaint. It is the case of the petitioners that the petitioners herein is being the relative of the opposite party's husband have been dragged into the present proceedings for putting pressure on the husband of the opposite party No. 2 to settle their matrimonial disputes.

Issue notice to the opposite party and the State.

Mr. Satarudriya Mukherjee, learned advocate accept notice for the opposite party no. 2.

After hearing the counsel for the petitioners, this Court is satisfied that the petitioner is able to make out a case for grant of an interim relief as prayed herein. Hence, the Malbazar P.S. case No. 353 of 2020 dated 03.10.2020 under Section 498A IPC corresponding to GR case No. 4284 of 2020 pending before the Court of Judicial Magistrate, 2nd Court at Jalpaiguri qua the petitioners is stayed for a period of two weeks.

Let this matter be listed before the next available Circuit Bench.

Affidavit-of-service shall be filed before
the next date of hearing.

(Gaurang Kanth, J.)