

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
(Criminal Revisional Jurisdiction)
APPELLATE SIDE**

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 495 of 2025

**Shefali Roy @ Sefali Roy Kayet And Ors.
Vs
The State of West Bengal & Anr.**

For the Petitioners : Mr. Hillol Saha Podder,
Ms. Mousumi Das.

For the State : Mr. Avrojoyti Das, Ld. APP.
Mr. Uday Bhattacharjee.

Judgment reserved on : 17.06.2026

Judgment delivered on : 17.06.2026

Shampa Dutt (Paul), J.:

1. Leave granted to correct the cause title.
2. Affidavit of service filed.
3. The revisional application has been preferred praying for quashing of proceeding, being G.R. Case No.992 of 2023, arising out of Jalpaiguri Kotwali Police Station Case No. 144 of 2023 dated March 02nd, 2023, pending before the Learned Chief Judicial Magistrate, Jalpaiguri, under Sections 327/116 of the Indian Penal Code, 1860.

4. The written complaint in the present case has been filed by the mother in law of the petitioner no.1 herein.
5. The petitioner no.2 is the mother of the petitioner no.1 and 3 is the prayer of the petitioner no.1.
6. The allegation as made in the written complaint is to the extent and has been stating that:-

“On 13.07.2014 son of the opposite party no.2 was married with petitioner no.1 according to Hindu Rights and Custom and on 20.12.2015 petitioner no.1 gave birth a girl child. After sometimes accused Shefali Roy and her mother Dipali Roy and her brother Malay Roy pressurized her son to stay at the in-laws house. Accused Shefali Roy filed a maintenance before the Judicial Magistrate and same was dismissed and the accused Shefali Roy and her mother and brother always told to her son over phone to die and the son of the Opposite Party no.2 was a employee of PWD office and if his son died then Shefali Roy will get Job and the son of the Opposite Party no.2 become physically and mentally ill. On 23.11.2022 her son died at Jalpaiguri Superspeciality Hospital.”

7. It appears from the materials on record that the petitioner no.1 had initiated a case against the opposite party and her husband on 23.11.16 on the basis of which Jalpaiguri Women Police Station Case No.167 of 2016 dated 23.11.2016 under Sections

498A/307 of the Indian Penal Code, 1860 and Section 3/4 of the Dowry Prohibition Act, 1961. The said case is still sub-judice.

8. Learned Counsel for the State has placed the case diary, from wherein it appears that the husband of the petitioner no.1 expired on 23.11.2022 and from the said certificate, it appears that he died due to Sepsis and Hepatic Encephalopathy in a case of alcoholic CLD.
9. On hearing and considering the materials on record and including the offences alleged and the materials on record, it appears that prima facie there is no materials on record to make out a case and no such ingredients to make out the case against the accused persons in respect of the offences alleged in the present case.
10. And if such case is permitted to proceed, then shall clear the process of law.
11. **CRR 495 of 2025 is allowed.**
12. The proceeding being G.R. Case No.992 of 2023, arising out of Jalpaiguri Kotwali Police Station Case No. 144 of 2023 dated March 02nd, 2023, pending before the court of the Learned Chief Judicial Magistrate, Jalpaiguri, under Sections 327/116 of the Indian Penal Code, 1860, **is hereby quashed in respect of the petitioners herein namely Shefali Roy @ Sefali Roy Kayet, Dipali Roy @ Pusini Roy Kayet and Malay Roy @ Molay Kr. Roy Kayet.**
13. All connected applications, if any, stands disposed of.

- 14.** Interim order, if any, stands vacated.
- 15.** Copy of this judgment be sent to the learned Trial Court for necessary compliance.
- 16.** Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)