

7.11.2025
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SB
Ct. no. 3

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRR 511 of 2025

**Biswajit Roy @ Bishwajit Roy & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah ...for the Petitioners

This is an application wherein the petitioners have prayed for quashing of the proceeding being Cooch Behar Sadar Women Police Station case no. 10 of 2024 dated 15th January, 2024 under Sections 498A, 323,506 and 34 of the IPC, presently pending before the learned Chief Judicial Magistrate, Cooch Behar being G.R. case no. 81 of 2024.

It is submitted on behalf of the petitioners that the petitioner no. 1 and opposite party no. 2/complainant got married on 13th September, 2010 and while they started living as husband and wife, they were blessed with a girl child who was born on 26th June, 2017. He further submits that the opposite party no. 2/complainant was not interested to live with the parents of the petitioner no. 1 who are petitioner nos. 2 and 3 herein and for which, she started living at her paternal home. Thereafter, on 12th June, 2022, the opposite party no. 2 all of a sudden, left her matrimonial home with minor daughter and started to reside at her paternal home. In June, 2023, the petitioner no. 1 got an employment at Siliguri and requested

the opposite party no. 2 to come at Siliguri with their daughter to resume the matrimonial tie but the petitioners refused to resume the matrimonial tie. Thereafter, the petitioner no. 1 herein instituted a proceeding for dissolution of marriage. After coming to know about the filing such suit by the petitioner no. 1, the opposite party no. 2/complainant/wife has initiated the instant criminal proceeding which is nothing but counterblast to the petitioners suit for dissolution of marriage. He further submits that the allegations levelled in the complaint are baseless and not legally tenable. The opposite party no. 2 has left her matrimonial house at her own accord and as such, the instant proceeding is liable to be quashed.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of the application upon the State through the office of the Public Prosecutor in the Circuit bench at Jalpaiguri and private opposite party no. 2 through speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear before the next available Circuit Bench.

Learned counsel for the petitioners also prays for interim stay of the impugned proceeding.

Having heard learned counsel for the petitioners and that the petitioners had made out an arguable case which requires adjudication on merit, let all further proceeding being

Cooch Behar Sadar Women Police Station case no. 10 of 2024 dated 15th January, 2024 under Sections 498A, 323,506 and 34 of the IPC, presently pending before the learned Chief Judicial Magistrate, Cooch Behar being G.R. case no. 81 of 2024 be stayed qua the petitioner no. 1, Biswajit Roy @ Bishwajit Roy, petitioner no. 2, Smt. Jharna Roy and petitioner no. 3, Harapati Roy for a period of eight weeks or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)