

11-11-2024
Court No.3

Sl. No. 52
T.Ojha

**In The High Court At Calcutta
Circuit Bench at Jalpaiguri**

**CRR/97/2024
IA NO: CRAN/4/2024**

**RAJENDRA PRASAD SITANI AND ANR.
VS
THE STATE OF WEST BENGAL AND ANR.**

*Mr. Debashis Sinha, Adv.
Mr. Avijit Chowdhury, Adv.
Mr. Rishav Ray, Adv.
Ms. Sonali Gupta, Adv.*

...for the Petitioners

*Mr. A.S. Chakraborty, Adv.
Mr. Kallol Acharya, Adv.*

...for the State

The instant application is filed by the father-in-law of the victim girl praying for under Section 482 read with Section 401 of the Code of Criminal Procedure for quashing of the FIR No. 73 of 2022 dated 12.05.2022 of Siliguri Women P.S. as well as for quashing the Charge-Sheet dated 28.07.2022 under Section 498A read with Section 4 of the Dowry Prohibition Act.

The Learned Counsel for the State produced C.D.

Mr. Sinha, the Learned Counsel appearing for the petitioners submitted that all the alleged incidents, if any, took place at Singapore; the present petitioners being father-in-law and the mother-in-law were leaving at Chennai. In nutshell, it is submitted that even if there be any strife between the husband and the wife, the present petitioners are no way connected with that.

The Learned Counsel for the State invited my attention to statement of certain witnesses as available in the C.D.

Heard the Learned Counsels and perused the C.D.

Allegations of physical tortures are there in the written complaint but no injury report is there in the C.D. The statement of victim wife is absent in the C.D. There are some stray allegations against the present petitioners being father-in-law and mother-in-law. Swiping allegations and statement of witnesses which did not envisage any kind of torture should not be a foundation for criminal prosecution against persons. It

should be kept in mind that criminal prosecutions bring ignominy and stigma to the family. Here sufficient materials are absent, specially the statement of the victim. However, the written complaint contains allegation against the husband who allegedly perpetrated physical torture upon the victim; but the husband is not a party here.

Considering the materials available in C.D. and hearing both the parties, I am inclined to quash the Siliguri Women P.S. Case No. 373 of 2022 dated 12.5.2022 under Section 498A of IPC read with Section 4 of Dowry Prohibition Act as well as the Charge-Sheet No. 117 of 2022 dated 28.07.2022 under the same sections, against the petitioner nos. 2 and 3. The petitioner nos. 1 and 4 are at liberty to raise argument at the time of consideration of charge. Needless to say that the Trial Court shall not be influenced by this order.

A copy of this order may be communicated to the Inspector (In-Charge), Siliguri Women Police Station as well as to the ACJM, Siliguri.

C.D. may be returned.

The instant application stands disposed of.

(SUGATO MAJUMDAR, J.)