
(2014) 03 CAL CK 0053
In the Calcutta High Court
Case No : C.R.R. 4031 of 2013

Amit Deb @ Amit Ardhendu Deb and Others	APPELLANT
Vs	
State of West Bengal and Another	RESPONDENT

Date of Decision : 05-03-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 323 34 406 498A

Citation : (2014) 03 CAL CK 0053

Hon'ble Judges : Ashim Kumar Roy, J

Bench : Single Bench

Advocate : Partha Pratim Kanjilal, for the Appellant;

Final Decision : Dismissed

Judgement

Ashim Kumar Roy, J.—The petitioners invoking inherent jurisdiction of this court has sought for quashing of the First Information Report relating to Dum Dum Police Station Case No. 633 of 2013 under Sections 498A/323/406/34 of the Indian Penal Code. The learned Advocate for the petitioners vehemently urged before me that the allegations made in the First Information Report do not constitute any offence for which F.I.R. has been registered and all the Stridhan articles have been recovered and nothing left with the offence punishable u/s 406 of the Indian Penal Code. Lastly it is urged that the veracity of the allegations must be considered by this court.

2. An F.I.R. can be quashed if without disputing the correctness of the allegations made therein and accepting the same in its entirety, it is found no offence has been made out for which the F.I.R. has been instituted.

3. Now, going through the First Information Report which is annexed with this application and more particularly considering the allegations made in Paragraph Nos. 2, 3, 4, 5, 6 and 7, I am unable to accept that no offence for which F.I.R. has been registered against the petitioners has been made out. The allegations are quoted below:--

2. That after the marriage misfortune swallowed my charm and happiness of the marriage, right from the day one of my steeping at matrimonial home since my husband as well as my parents in law conjointly started subjecting to excruciating cruelty and harassment, giving out that I was of smart complexioned, was not too much good looking and of not proper structure and unfit to be the bride, and such conduct of my husband as well as parents in law, caused severe mental pain and agony to me. It is pertinent to mention here that it was a negotiated marriage.

3. That after said marriage, my husband with the help of my parents in law demanded huge cash money along with gold ornaments from my father and there after myself but at the initial stage, I was trying to do the same from my level best. But after that the demanding level was too much high from the family members of my matrimonial house and I was not in a position to fulfil their enormous demand. And after that my husband further represented to me that since prior to the marriage, my husband, in his life came across and/or in touch with lots of beautiful girls, who were much more attractive, sexy and good looking, my husband was marry with me only for money nothing less. Except money I had no quality to be the wife. Although my husband is working at gain at a reputed company, named and style "BOSCH" of 91A, Park Street, Kolkata 700016 and earns huge money as per his post of the said company. It is significant to mention here that my husband always threaten me that he can good bye Kolkata at any time, no one can be understood, as he loves Pinky and be wedded, who is living in Mumbai, daughter to colleague of my father in law. I became in a complete helpless state, tolerated everything in tears to keep my matrimonial knot.

4. That during the time of marriage, as per demand of the above referred members of my in-laws family, hereinafter referred to as "said persons" lots of gifts and presentations in the form of gold and silver ornaments, various silver, utensils, sarees, garments were given to my husband as well as my parents in law and these are my stridhan properties and I am the absolute owner thereof. It is also pertinent to mention here that my father was handed over for a sum of Rs. 50,000/- to my husband as per demand of the family members of my laws' house. But it is painful to say that my father arranged the said amount with hard labour, he was working at gain at a private company and not availed any pension facility and others.

At least of my Stridhan properties is annexed herewith as part of this complainant.

5. Besides, after the marriage, I received various gold and silver ornaments, coins, sarees and garments and articles etc., which was gifted me from the side of the family of my husband and these are also my Stridhan Properties and I am the absolute owner thereof. A list of these Stridhan Properties is enclosed herewith as part of this complaint.

6. After the marriage, I entrusted all my aforesaid Stridhan Properties to the said

persons at my matrimonial home at Mahuban Apartment, 3rd Floor, Beside of Krishti Hall, near New Barrackpur Municipality, 289/2, Durga Bari Road, Kolkata-700131. It is pertinent to mention here that my all gold and silver ornaments are lying under the bank locker of my parents in law as well as my husband, and

7. My husband and the aforesaid members of my in-laws family have refused to return my aforesaid Stridhan Properties, which are now lying under their custody and possession, being entrusted by me to them at my matrimonial home.

4. Now, coming to the next ground, at this stage the question of veracity of the allegations cannot be gone into. Furthermore, recovery of Stridhan articles will not obliterate the offence except that, same may be considered as a mitigating circumstance while considering the question of sentence.

5. Admittedly, the investigation is still continuing and undoubtedly the allegations made in the F.I.R. discloses commission of cognizable offences and therefore the statutory right of the police to investigate a cognizable offence ought not to be interfered with.

6. This application has no merit and accordingly stands dismissed. Urgent certified copy of this order, if applied for, be given to the petitioners subject to compliance with all requisite formalities.