
(2018) 12 CAL CK 0014
In the Calcutta High Court
Case No : Criminal Revision No. 1522 Of 2018

Puja Dutta Chowddhury & Anr	Vs	APPELLANT
State Of West Bengal & Anr		RESPONDENT

Date of Decision : 06-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 325, 498A
Dowry Prohibition Act, 1961 — Section 3, 4
Code of Criminal Procedure, 1973 — Section 161

Citation : (2018) 12 CAL CK 0014

Hon'ble Judges : Shivakant Prasad, J

Bench : Single Bench

Advocate : Ayan Bhattacharyya, K. Daga, Ranabir Roy Chowdhury, Faria Hossain

Final Decision : Disposed Off

Judgement

In this revisional application the petitioners have assailed the proceedings under G.R. No. 3420 of 2016 under Sections 498A/325 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961 arising out of Belghoria Police Station Case No. 426 of 2016 dated June 05, 2016 pending before the Court of the learned Additional Chief Judicial Magistrate at Barrackpore, North 24-Parganas.

It is contended that the petitioners are both housewives and living along with their respective families in different apartments in the same residential complex as that of the opposite party no. 2. The petitioner no. 1 is the immediate neighbour of the opposite party no. 2 herein, while the petitioner no. 2 resides in an apartment in another building of the same residential complex as that of the opposite party no. 2. The petitioners are in no way connected with the offences as alleged against them.

I have heard Mr. Ayan Bhattacharyya, learned advocate for the petitioners who points out that if the prosecution story is accepted to be gospel truth then also the placement of facts singularly lacks either of the ingredients of offence

punishable under Sections 498A IPC. The complaint does not incorporate any role played by the present petitioners and in absence thereof only bald allegations without substratum cannot be the basis of continuation of the instant proceedings, inter alia, under Sections 498A IPC.

Ms. Faria Hossain, learned advocate led by Mr. Ranabir Roy Chowdhury candidly submits that there is no iota of prima facie case of offences punishable under Sections 498A/325 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961 as against the petitioners who are absolute neighbours of the opposite party no. 2.

It is also pointed out that statements under Section 161 CrPC does not disclose any perspective of the petitioners being the neighbours to subject the opposite party no. 2/complainant to mental or physical torture.

Upon hearing learned counsel for the parties and bearing in mind the principle laid down by the Hon'ble Supreme Court in respect of an offence under Section 498A IPC, in my view, no offence said to have been made out.

Hence, the proceedings under G.R. No. 3420 of 2016 under Sections 498A/325 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961 arising out of Belghoria Police Station Case No. 426 of 2016 dated June 05, 2016 pending before the Court of the learned Additional Chief Judicial Magistrate at Barrackpore, North 24-Parganas is hereby quashed qua the petitioners.

Thus, CRR 1522 of 2018 is disposed of.

Urgent xerox certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.