

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 4014 OF 2023

MRIGESH KANTI NATH & ORS.

VS

THE STATE OF WEST BENGAL & ANR.

For the Petitioners : **Mr. Sabyasachi Banerjee, Ld. Sr. Adv.**
Mr. Somenath Bhattacharjee, Adv.
Ms. Pragya Banerjee, Adv.
Mr. Abhishek Mukherjee, Adv.
Mr. Kaustav Chatterjee, Adv.

For the Opposite
Party no. 2 : **Ms. Debaleena Ganguly, Adv.**

For the State : **Mr. Debasish Roy, Ld.P.P.**
Mr. Imran Ali, Adv.
Mrs. Debjani Sahu, Adv.

Last heard on : **17.02.2026**

Judgement on : **09.04.2026**

Uploaded on : **09.04.2026**

CHAITALI CHATTERJEE DAS, J. :-

1. This provisional application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the entire proceeding being ACGR 5383/2022 arising out of Jadavpur Police Station case no. 245/22 dated 1.12.2022, under Section 498A, 406, 506 and 34 of the Indian Penal Code, 1860, read with Section 3 and 4 of the Dowry Prohibition Act now pending before the court of the Learned Additional Chief Judicial Magistrate, 24 Parganas South at Alipore and the Charchit no. 248 of 2022 dated 21.12.2022, and all orders passed in connection with the proceeding now pending before the learned additional chief judicial magistrate 24 Parganas South at Alipore.

Factual Matrix of the case

2. Bereft of any details the case of the petitioner is that a complaint was lodged by one Jyothi Bala Nath/Opposite Party no. 2, before the Jadavpur Police Station against the petitioner and three others for commission of the alleged offences punishable under Section 498A IPC read with section 3 and 4 of the dowry prohibition Act, 1961. The allegations levelled against the present petitioner is that the marriage was held on March 2022 and the present petitioners being the husband and in-laws of the de facto complainant in furtherance of their common intention, subjected her to physical and mental torture as well as to misappropriate her Stridhan articles and intimidated her. From the statements under Section 161 Cr.P.C the Stridhan articles were seized and handed over to the defacto complainant upon furnishing. Zimmanama. The investigating authority submitted the charge sheet only against the petitioners for commission of the offences as and no charge could

be established against three other accused persons and they were excluded from the charge sheet.

Submissions

3. The learned Senior Counsel Mr. Sabyasachi Bhattacharya argued that on true and proper appreciation of the materials collected during investigation would reveal that the Opposite Party no. 2 lodged the complaint against the petitioners, which never reflect any of the ingredients necessary to attract the charges, levelled against them. Astoundingly, the investigating officer accepted the version of the Opposite Party no. 2 as sacrosanct without making any endeavour to unearth the truth. It is further submitted that the accused petitioner number 2 is the father-in-law age about 67 years old and underwent an open heart bypass surgery on August 6, 2022 and had four coronary artery bypass grafting procedures at Rabindranath Tagore Hospital and discharged on August 15, 2022. Additionally, petitioner no. 3, the 61 year old mother-in-law of the complainant, underwent a knee replacement surgery on May 2, 2022 at Health point Hospital and was hospitalised in critical condition from May 10, 2022 to May 18, 2022. These facts were omitted in the complaint lodged by the O.P. number 2 in order to suppress that under the aforesaid circumstances, it was absolutely not possible for these two persons to physically assault her. These facts abundantly makes it clear that the complainant narrative as presented in her letter of complaint lacks of semblance of truth and lodged with ulterior motive to harass the present petitioners. It is further submitted that the charges are baseless and failed to establish any wrongdoing under the specified sections and if the proceeding is

allowed to continue against the petitioners being elderly and ailing family members it would be sheer abuse of the process of court and hence liable to be quashed.

4. In this regard he relied upon the decision of **Achin Gupta versus State of Haryana and others**¹, paragraph 17, 22-24, 29-30, 35, 36. Further relied upon the decision of **Ghanshyam Soni versus State (Government of NCT Delhi)**², paragraph 10-12, 19. The learned Senior Advocate for the petitioner also relied upon the decision of **Nitin Ahluwalia versus state of Punjab and Anr.**³, paragraph 8, 12, 13, **Swapan Kumar Das @ Swapan Das and Anr. Versus State of West Bengal and Anr.**⁴, page 12 onwards.
5. The learned Advocate representing the Opposite Party no. 2 on the other hand argued that she was subjected to physical torture amounting to cruelty on several occasions by her husband and in-laws, and it was primarily witnessed by a security guard at her matrimonial house, which can be proved in course of trial. The learned advocate relied upon the decision of Hon'ble Supreme Court in **Paranagouda and Anr. vs State of Karnataka**⁵ where it was observed that section 498A of the Indian Penal Code addresses the harassment of a married woman by her husband, or his relatives, and in her complaint letter, she clearly stated the situations faced by her during her stay at the matrimonial house and there are sufficient ingredients to attract Section 498A against the present petitioners.

¹ 2024 INSC 369

² 2025 SCC OnLine SC 1301

³ 2025 SCC OnLine SC 2013

⁴ CRR 2455 of 2018 (Calcutta High Court)

⁵ 2023 INSC 933

6. The learned Advocate further relied upon the the medical papers of IRIS Hospital and USG of pregnancy, the complaint before the Deputy commissioner of police on November 25, 2022 intimating that her husband is a habitual drunker, and since after marriage, the opposite party demanded ₹10 lakhs from the father of the Opposite Party no. 2 and as such demand could not be fulfilled, the Opposite Party no. 2 was inflicted with torture upon her to pressurised her, not only to bring articles from our parent's house, but also pressurised her to abort her child and she conceived at that time. She further stated on affidavit that the petitioners also started assaulted her belly aiming to her lower abdomen in order to cause harm to her child.
7. Additionally though the first complaint was lodged on September 11, 2022 by the husband and on September 19, 2022 by mother-in-law the husband filed the case for restitution of conjugal right petition on September 19, 2022 which was dismissed for default and no allegation of torture was mentioned against her by the parents in law. The decree of divorce was passed on May 8, 2025 on the ground of cruelty. It is further argued that if there are inconsistency is that should be taken before the trial court and to be tested in course of trial.
8. The prosecution on the other hand argued that the number of complaints lodged against each other by the parties prima facie shows the marital discord in the family and enough materials are found in course of investigation against the present petitioners to establish that torture was inflicted upon the Opposite Party no. 2, which compelled her to lodge the complaint within few months from the marriage. It is further submitted that since after investigation, the charge sheet has been filed and from the statement recorded certain incriminating materials are found against the present petitioners they

must face the trial and, the entire proceedings should not be quashed. Accordingly, he prayed for dismissal of this revision application. In this regard he relied upon the decision of the **High Court of Delhi in CRL.M.C. 4852 of 2025 in Atharva Chaudhary & Anr. versus The State of NCT of Delhi & Ors.**

Analysis

9. Heard the submissions of the learned Senior Advocate representing the petitioner and the Learned Public Prosecutor. In the case of **Achin Gupta (Supra)** as relied upon on behalf of the petitioner, the complaint was lodged against the husband and in-laws, sister-in-law, brother-in-law with the allegation of demand of dowry since after marriage and thereby caused mental and physical trauma to the informant. The Hon'ble Supreme Court discussed the power to exercise the jurisdiction under Section 482 Cr.P.C taking reference to the settled law in **State of Haryana versus Bhajanlal**,⁶, Where it was held that *where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge*, such power can be invoked. Further Hon'ble Supreme Court in **Niharika Infrastructure Private Limited versus State of Maharashtra**⁷ has held that *quashing of FIR is an exception rather than an ordinary rule and the High Court should exercise the powers under section 482 Cr.P.C sparingly with circumspection.*

⁶(1992) supp (1) SCC 335

⁷ 2021 SCC OnLine SC 315

10. The Hon'ble Supreme Court further took note of the decision of **Mahmood Ali & Ors. v. State of U.P & Ors.**,⁸ where the legal principles applicable apropos Section 482 of the Cr.P.C was examined and it was observed that:

“when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines”.

11. In the case of **Ghanshyam Soni (Supra)** the observation of the Hon'ble Apex Court was that:

“It is, thus, clear that though Section 468 of the Code mandates that ‘cognizance’ ought to be taken within the specified period from the commission of offence, by invoking the principles of purposive construction, this Court ruled that a complainant should not be put to prejudice, if for reasons beyond the control of the prosecuting agency or

⁸ 2023 SCC OnLine SC 950

the complainant, the cognizance was taken after the period of limitation. It was observed by the Constitution Bench that if the filing of the complaint or initiation of proceedings was within the prescribed period from the date of commission of an offence, the Court would be entitled to take cognizance even after the prescribed period was over.”

12. In the case of **Nitin Ahluwalia versus State of Punjab & Anr. (Supra)** taking note of the decision of **Jayedeesinh pravinsinh Chavda vs State of Gujarat** , it was observed thus:

“11. From the above understanding of the provision, it is evident that, ‘cruelty’ simpliciter is not enough to constitute the offence, rather it must be done either with the intention to cause grave injury or to drive her to commit suicide or with intention to coercing her or her relatives to meet unlawful demands.”

In the present case, the complaint was lodged on September 19, 2022, before the Officer-in-Charge, Jadavpur Police Station, by the mother-in-law being the petitioner no. 2 herein intimating the continuous mental torture and trauma by reckless, rude behaviour which forced her and her husband to leave under constant trauma, tension and apprehension by her daughter-in-law who was married only on 6th of March 2022.

13. In the said complaint, she further mentioned about the cardiac surgery undergone of her husband and the orthopaedic surgery of her, and both of them were under need of medical care and were passing a stage to recover from post-operative hazard. On September 5, 2022, the mother-in-law

intimated the Jadavpur P.S. about the mental torture inflicted on her and her husband by the daughter-in-law who got married with her son very recently. The complaint for the revealed about the threatening given to them by the daughter-in-law. On September 11, 2022, the husband of the opposite party no 2 lodged a complaint before the Jadavpur P.S. against her, which reveals that previously, a general diary was lodged against her wife and a decision was taken by the duty officer not to disturb each other, and despite that on that day, the parents, brother, aunt along with his wife came in front of his house and abused them with filthy languages, entered into the room and took all her belongings, including the jewellers. A complaint was also lodged by the mother in-law before the chairperson National Commission for women on September 21, 2022 intimating, exceptional mental torture, trauma by daughter-in-law towards her in-laws who also used to filthy words and showed aggressive behaviour and attempted to cause serious injury on her forehead. Similarly the father-in-law also made representation before the same authority on the same date. The documents annexed with the revisional application are the medical papers of Rabindranath Tagore Hospital, which primarily shows that the patient that is the father-in-law was admitted on August 3, 2022 and was discharged on 15 August 2022. The medical papers in respect of the mother-in-law are dated April 20, 2022, which also reveals about the knee surgery.

- 14.** The instant complaint was lodged by the daughter-in-law on November 25, 2022 against her husband and the present petitioners being the in-laws. The allegation of torture have been levelled against the petitioners started since after the date of Boubhat ceremony as well as they demanded more dowry articles and cash amount when an amount of ₹1,00,000 was given towards the

expenditure for boubhat ceremonies, other than beddings, tea, table, dressing table, and other brass made utensils and household articles. Further demand of ₹10 lakhs were also made by them as reflected from the said complaint. On close scrutiny of the entire written complaint, it is apparent that an incident mentioned at the starting of August, 2022 when she was kept in a dark room by her husband without providing a drop of water and food, and she passed her days in an unbearable suffocated situation and somehow with a hue and cry she was allowed to come out from such room and then called her parents. They tried to reconcile the matter, but refused to accept her request and her brother lodged a written complaint on September 3, 2022. The instant complaint further reveals that on several occasion request was made on behalf of the Opposite Party no. 2 to the husband and other family members to reconcile and on August 21, 2022, her husband aided by his parents pressurised her for bringing more money and was inflicted with inhuman physical torture, and then she was forced to take shelter at her paternal home.

15. Therefore, no specific allegations or overt acts are attributed to the present petitioners, except general allegations of aiding and abetting their son in allegedly pressurising the complainant to bring more money. No specific date, year or particular incident has been described nor has the manner in which she was inflicted with severe physical torture. On the contrary, it appears from the record that several complaints were lodged before the various authorities by the petitioners as well as the husband against the opposite party no 2, which prima facie suggests that the present complaint has been instituted as a counterblasts to those earlier complaints. Furthermore the medical documents on record reveals that the petitioner had undergone surgeries, as noted

hereinabove, and were consequently incapacitated for a considerable period .In such circumstances it is highly improbable and beyond reasonable imagination that they would have physically assaulted their daughter in law during that period .The articles were received by the opposite party no. 2, which can also be found from the document, annexed with the affidavit in reply. The learned Advocate representing the opposite party only relied upon the statement of the security guard of the said premises recorded in course of investigation, which manifest the turmoil prevailing between the daughter-in-law and the husband and in-laws but that is also silent about any specific act of torture inflicted by them.

16. In the case of **Achin Gupta (Supra)** it was held that:

“Section 482 of the Cr.P.C does not confer any new power on the High Court but only saves the inherent power, which the court possessed before the enactment of the Criminal Procedure Code. There are three circumstances under which the inherent jurisdiction may be exercised, namely i) to give effect to an order under the code ii) to prevent abuse of the process of court, and iii) to otherwise secure the ends of justice”.

17. It was further held that-

“Once the investigation is over and charge sheet is filed, the FIR pales into insignificance. The court, thereafter, owes a duty to look into all the materials collected by the investigating agency in the form of charge sheet. There is nothing in the words of Section 482 of the Cr.PC, which

restricts the exercise of the power of the court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It would be a travesty of justice to hold that the proceedings initiated against a person can be interfered with at the stage of FIR but not if it has materialised into a charge sheet.”

18. The Hon’ble Supreme Court, in this case took note of the decision of **Geeta Mehrotra & Anr. versus State of U.P⁹**, and the court observed:

“19. Coming to the facts of this case, when the contents of the FIR is perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names who have been included in the FIR but mere casual reference of the names of the family members in a matrimonial dispute, without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a tendency to involve the entire family members of the household in the domestic quarrel, taking place in a matrimonial dispute specially if it happens soon after the wedding.’

20. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of G.V. Rao v. L.H.V. Prasad reported in (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein

⁹ (2012) 10 SCC 741

with which we entirely agree that: “there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their young days in chasing their cases in different courts.”

19. In the case of **Ghanshyam Soni (Supra)** the accusations made of inflicting mental and physical cruelty upon the complainant for bringing insufficient dowry. The complainant referred few instances of such atrocities, however, the allegations were found generic and rather ambiguous which were described as merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired. It was held that for those reason alone, the evidence on record clearly inconsistent with the accusations, the version of the complainant seems in plausible and unreliable. In this regard, the decision of **K. Shubba Rao versus State of Telangana**¹⁰ represented by its Secretary, Department of home was taken note of where it was held,

¹⁰ (2018) 14 SCC 452

'6. The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations, unless specific instances of their involvement in the crime are made out'

20. Since the charge sheet was submitted under section 498A of the Indian Penal Code the provision itself is to be looked into which reads as follows;

"498A. Husband or relative of husband of a woman subjecting her to cruelty.—

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

In the present case excepting a vague and omnibus allegation of pressurising her son to ask for more money from her no other incident could be found to attract the provision under Section 498A.

So far the charges under Section 406 of the IPC is concerned primarily she took all her belonging by issuing a zimmanama and no specific allegation of keeping the articles by the petitioners are canvassed .The charge under section 506 IPC relating to criminal intimidation but the nature of allegation levelled against them dose not attract any ingredients to constitute such offence as the complaint is absolutely silent about any threat to that extent with intention to cause harm to the complainant. Even mere expression of any word without any intention to cause alarm is not sufficient to attract this provision as materials are to be shown to establish that.

Conclusion

21. It is settled by the Hon'ble Supreme Court that the ultimate object of justice is to find out the truth and punish the guilty and protect the innocent and the said task is herculean task and the allegations are to be scrutinized with great care and circumspection. In this case after threadbare consideration of the entire materials and the discussions made and the law laid down in this regard and considering the observations made by Hon'ble Supreme Court in ***State of Haryana versus Bhajanlal (Supra)*** this court is of the considered view that the instant criminal proceedings initiated by the defacto complainant against the present petitioners being the father-in-law and mother-in-law has failed to disclose any such ingredient, which prima facie constitute an offence

against them as alleged, and therefore to allow the same to continue would be sheer abuse of the process of the court and hence is liable to be quashed.

22. Hence this C.R.R stands allowed .The entire proceeding pending before the learned Magistrate is hereby quashed qua the petitioners.

23. No order as to costs.

24. Urgent certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(CHAITALI CHATTERJEE DAS, J.)

