

31.03.2026
Court No.34
Item No. 8
sg

CRR 1946 of 2022

In the matter of: **Arati Samanta**

...Petitioner.

Mr. Pinak Kumar Mitra
Ms. Subhanwita Ghosh
Mr. Kaustav Talukdar

...for the petitioner.

Ms. Sreyashee Biswas
Ms. Snigdha Saha

...for the State.

1. This revisional application under Section 482 of the Code of Criminal Procedure, 1973 has been filed for quashing the proceeding in connection with G.R. No. 2116 of 2021 arising out of Chinsurah Women Police Station Case No. 50 of 2021 dated 22.09.2021 under Sections 498A/506/34 of the Indian Penal Code and Charge sheet No. 57 of 2021 dated 30.09.2021 including the order framing charge dated 15th March, 2022 pending before the learned Magistrate, 4th Court, Hooghly.

2. The case of the petitioner in a nut shell is that petitioner is aunt-in-law of the opposite party no.2 and aged about 57 years. She had undergone Phacoemulsification *with foldable foreign hydrophobic* surgery in her left eye in the month of April, 2022. Present opposite party no.2 and Tilak Samanta got married on August 13, 2021 as per Hindu Rites and Customs after that they started living conjugal life in the matrimonial house. However after few days dispute cropped up and the petitioner left the matrimonial house voluntarily .A complaint was lodged by the opposite party no.2, on 22nd September, 2021 under

Sections 498A/506/34 of the Indian Penal Code against the husband, father-in-law and the present petitioner being the aunt-in-law. On completion of investigation charge sheet was submitted against the accused persons and the Learned Magistrate took cognizance of the offence on 04.12.2021. Later on the Learned Judicial Magistrate, 4th Court framed the charges against the petitioner and other accused persons under Sections 498A/506/34 of the Indian Penal Code.

3. Learned advocate appearing on behalf of the petitioner submits that the entire allegation leveled against the accused persons are absolutely false and frivolous and the allegations are general and omnibus in nature without giving any specific details of the date time and month for such alleged physical torture.

4. It is further submitted there are five charge sheeted witness which are examined under Section 161 of the Code Criminal Procedure who are relatives of the opposite party no.2 and no statements of any neighbor was recorded. The complaint disclosed torture on demand of dowry without any giving specific details or the demand and the learned Magistrate took cognizance mechanically without applying any judicial mind.

5. A suit for restitution of conjugal life was filed by the husband of the opposite party no.2 and the judgement has been passed in favour of the husband. Out of grudge this complaint has been lodged falsely. Present petitioner is no way connected with this case and falsely impleaded by the opposite party no.2.

6. In this regard relied upon decisions: ***Geeta Mahrotra and Ors Vs. The State of U.P. & Ors. (2012) 10 SCC 741, K. Subba Rao & Ors***

Vs. The State of Telangana & Ors. (2018) 14 SCC 452, Varala Bharath Kumar and Ors. Vs. The State of Telanagana and Ors. (2017) 9 SCC 413, Rashmi Chopra and Ors. Vs. The State of Uttar Pradesh and Ors. (2019) 15 SCC 357, Sanjay D. Jain & Ors. Vs. State of Maharashtra & ors. (2025) SCC Online SC 2090.

7. Learned prosecution, on the other hand, submitted Case Diary and candidly submits that no statement of the neighbor was recorded by the investigating authority. No specific allegation of torture is mentioned so far the present petitioner being aunt is concerned. No injury report was ever collected by the investigating authority.

8. Heard the submission of both the learned advocates. In this case despite service, opposite party no.2 did not turn up before the Court at any point of time. Admittedly marriage held between the opposite party no.2 and one Tilak Kumar Samanta who happens to be the cousin of the present petitioner who is therefore aunt-in-law of the opposite party no.2.

9. On close scrutiny of written complaint prima facie it is seen that the complaint was lodged in the month of September, 2021 and marriage took place in the month of September, 2021 that is within the period one month from the date of such marriage. It was a arranged marriage and primarily no such allegation can be found that at the time of marriage any demand was made to pay any amount or articles on behalf of the family of the husband by the petitioner .

10. The allegation prima facie appears to be absolutely vague and omnibus in nature without specifying the details of the torture inflicted upon her by the petitioner. No specific allegation of demand of dowry

against the petitioner is also found. That apart in the case of the **Geeta Mahrotra and Ors Vs. The State of U.P. & Ors (supra)**, Hon'ble Supreme Court took note of the case of **Ramesh vs State of T.N (2005)3 SCC 507** where it was held that bald allegation made against sister-in-law appeared to suggest anxiety to rope in as many as of the husband's relatives as possible. It was held that neither the F.I.R nor the charge sheet furnished the legal basis for the Magistrate to take cognizance of the offence alleged against the appellants. The Learned Judges were pleased to hold that looking to the allegations in the F.I.R and the contents of the charge sheet, none of the alleged offences under 498A or 406 IPC and section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband.

11. In the case of **K. Subba Rao & Ors Vs. The State of Telangana & Ors. (supra)** the Hon'ble Supreme Court discussed the case related dowry death and the matrimonial dispute and the duty of the Court while proceeding against the relatives of the victim husband. It was held

'Courts should be careful in proceeding against the distant relatives in crime pertaining to matrimonial dispute 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.'

12. In the case of **Varala Bharath Kumar and Ors. (supra)** in connection with an application under Section 482 It was held by the Hon'ble Supreme Court that the power under section 482crpc is to be exercised *ex debito justitiae* to do real and substantial justice, for the administration of which alone court exists .The court must be careful and see its decision is based on sound principles.

13. In the matter on hand the allegations, made in the First Information Report as well as the material collected during the investigation, even if they are taken at their face value and accepted in their entirety do not prima facie constitute the offences punishable under Sections 498A and 406 of the IPC against the accused .

14. In the case of **Rashmi Chopra Vs. State of Uttar Pradesh and Another (supra)** in connection for quashing of criminal proceedings it was held by the Hon'ble Supreme Court that allegations under Section 498A of the IPC and the Dowry Prohibition Act made only to harass and put pressure also being husband of women concerned and his relatives and held the same abuse of process of law and quashed in the present case there was no charge was framed under the Dowry Prohibition Act. In paragraph 30 it is held ,

“ 30. Section 498-A provides for an offence when husband or relative of the husband, subjects her to cruelty. There is nothing in Section 498-A, which may indicate that when a woman is subjected to cruelty, a complaint has to be filed necessarily by the woman so subjected. A perusal of Section 498-A, as extracted above, indicates that the provision does not contemplate that the complaint for the offence under Section 498 A should be filed only by the woman who is subjected to cruelty by husband or his

relative. We, thus, are of the view that the complaint filed by Respondent 2, the father of Vanshika cannot be said to be not maintainable on this ground. We, thus, reject the submission of the counsel for the appellant that the complaint filed by Respondent 2 was not maintainable”.

15. In the case of **Sanjay D. Jain and Others Vs. State of Maharashtra and Others (supra)** it was held and observed that before examining FIR along with complaint, parameters are required to be borne in mind while entertaining the prayer for quashing of the FIR. If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead for forming of a prima facie case. It was further held

“As regards the ingredients for making out an offence punishable under Section 498-A of the Penal Code is concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives”.

16. In the present case these requirements are absolutely missing so far the present petitioner is concerned who is only relative of the husband and against whom no specific allegation are found in the four corners of the written complaint and nothing transpired from the

statement of the recorded who are also the close relatives of the present opposite party no.2. The ingredients necessary for invoking section 506 IPC are also not found from the written complaint against this petitioner.

17. Therefore, in view of the above facts and circumstances and on the touchstone of the law laid down in the case of ***State of Haryana vs Bhajanlal*** this Court is of the view if the proceeding is allowed to be continued against the petitioner it would be sheer abuse of the process of law. Hence the proceeding is liable to be dismissed.

18. Accordingly revisional application stands dismissed without cost. All further proceedings pending before the learned Magistrate and the Charge sheet submitted is hereby quashed qua the petitioner.

19. Parties are to act on the server copy of this order downloaded from the official *website* of the Calcutta High Court.

20. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalitis.

[Chaitali Chatterjee (Das), J.]