

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**PRESENT:  
THE HON'BLE JUSTICE UDAY KUMAR**

**CRR 2028 OF 2023**

**SUKANTA SARKAR AND ANOTHER  
-VS-  
STATE OF WEST BENGAL AND ANR.**

For the Petitioners : Mr. Kallol Kumar Basu  
Md. Jallaluddin  
Md. Jannat Ul Firdous  
Mr. Rajsekhar Hota  
Ms. Pramita Banerjee

For the State : Mrs. Arushi Rathore  
Mr. Deepak Khetawat

Reserved on : 01.10.2026

Pronounced on : 06.10.2026

**UDAY KUMAR, J.: –**

1. The instant criminal revisional application under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) brings under judicial scrutiny the legality, propriety, and sustainability of the criminal proceedings arising out of Harishchandrapur P.S. Case No. 417 of 2017 dated 14.05.2017 under Sections 341/325/498A/307/34 of the Indian Penal Code (IPC) read with Sections 3/4 of the Dowry Prohibition Act, 1961 corresponding to G.R. Case No. 977 of 2017, which has now

culminated in a commitment order dated 28.10.2021 passed by the learned Judicial Magistrate to the Court of the learned Additional Sessions Judge, Chanchal, Malda. The petitioners herein; who stand arrayed as accused persons, have invoked the inherent jurisdiction of this Court praying for the quashing of the entire aforesaid criminal proceeding, including the charge-sheet no. 698 of 2017 dated 30.09.2017.

- 2.** The narrative of the present criminal revisional application originates from the matrimonial discord and subsequent penal actions set in motion by the Opposite Party No. 2 (de facto complainant), Barsha Sarkar. The foundational bedrock of the prosecution case as emanates from the written complaint lodged by the de facto complainant, Barsha Sarkar (W/o Ramkrishna Sarkar), before the Officer-in-Charge of Harishchandrapur Police Station on 14.05.2017, is that the marriage between the de facto complainant and the principal accused, Ramkrishna Sarkar, was solemnized in the year 2007 in accordance with Hindu rites and customs and from the said wedlock, the couple was blessed with two children, a daughter born in 2008 and a son born in 2011.
- 3.** The core grievance projected in the written complaint is that ever since the marriage, the husband, in connivance with other family members (including the present petitioners), subjected her to continuous physical and mental torture over demands for money and dowry. The specific incident forming the immediate trigger for initiating the police case is alleged to have occurred on 02.05.2017 at around 6:00 A.M at the

complainant's matrimonial home located in Bhaluka Bazar, Harishchandrapur, Malda. The complainant alleged that an altercation ensued over dowry demands, whereupon her husband assaulted her, and another relative, Chandan Sarkar, allegedly poured kerosene oil upon her with the active complicity of others, manifesting an intent to set her ablaze. The complainant claimed that she managed to extricate herself from their clutches, fled to the street to save her life, and subsequently sought medical treatment at Bhaluka Primary Health Centre. It was further alleged that the accused persons visited the hospital to intimidate and deter her, following which she took shelter at her paternal home in Chanchal.

4. Acting upon the said written complaint filed by the de facto complainant (after a gap of nearly twelve days from the date of the incident), Harishchandrapur P.S. Case No. 417 of 2017 dated 14.05.2017 was formally registered under Sections 341/325/498A/307/34 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, 1961. During the course of the investigation, the Investigating Officer visited the locale, drew a rough sketch map of the place of occurrence, recorded the statements of witnesses under Section 161 of the Cr.P.C., seized relevant wearing apparels, and collected the injury reports of the complainant from the hospital. The petitioners, apprehending arrest, moved this Court under Section 438 Cr.P.C. vide CRM No. 6441 of 2017 and were released on anticipatory bail. Ultimately, upon completion of the investigation, the Investigating Officer submitted Charge Sheet No. 698 of 2017 dated

30.09.2017 under Sections 341/325/498A/307/34 IPC read with Sections 3/4 of the Dowry Prohibition Act, 1961 against seven FIR-named accused persons, showing the main accused, the husband of the complainant, Ramkrishna Sarkar, as absconding.

5. Following the filing of the charge-sheet and the compliance of statutory formalities under Section 207 of the Cr.P.C. for supply of police papers to the accused persons, the learned Additional Chief Judicial Magistrate, Chanchal, Malda noted that the offences, specifically the offence under Section 307 of the IPC were exclusively triable by a Court of Sessions. Consequently, the Learned ACJM, Malda, by an order dated 28.10.2021 passed in G.R. Case No. 977 of 2017, committed the entire case records to the Court of the learned Additional Sessions Judge, Chanchal, Malda, under Section 209 of the Cr.P.C. for trial and disposal.
6. Feeling aggrieved by the initiation and continuation of these criminal proceedings, the Petitioner No. 1 (Sukanta Sarkar, brother of the principal accused) and Petitioner No. 2 (Ruma Sarkar, wife of Sukanta Sarkar) have approached this Court under Section 482 Cr.P.C. seeking quashing of the aforesaid criminal proceedings *inter alia*, on the grounds that the said written complaint was lodged by the Opposite Party No. 2 after a prolonged, unexplained delay of ten years from the date of marriage with the principal accused, solely with the malicious intent to harass distant and collateral relatives, that the allegations therein are absurd, vague and manufactured, that the petitioners have raised a strong plea of separate residence and alibi insofar as they were

residing separately from the matrimonial home of the complainant/O.P. No. 2 at a rented accommodation at 6/2, Tegharia Jhowtala, P.O. Hatiara, Kolkata - 700157, falling within the jurisdiction of Baguihati Police Station and that the ingredients of an offence under Section 307 or 498A IPC have not been *prima facie* established against the petitioners, and that continuing the criminal trial against them would be an abuse of the process of the court.

7. It is against this backdrop of a committed criminal trial that the present petitioners have invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C., raising foundational pleas of alibi, where the Petitioner No. 1 was discharging his duties as an employee of the State Bank of India, Darjeepara Branch at Kolkata during the relevant epoch, contending that their arraignment is a classic instance of over-implication and abuse of the judicial process.
8. Learned counsel appearing for the petitioners forcefully contends that the entire criminal proceeding is a classic abuse of the process of the court, plotted with the sole objective of wreaking vengeance upon collateral and distant family members through a sweeping, omnibus instrument of criminal law.
9. It is submitted that Petitioner No. 1 is a respectable, law-abiding citizen and a regular salaried employee of the State Bank of India. During the relevant time when the alleged incident purportedly took place on 02.05.2017, the Petitioner No. 1 was officially posted and actively discharging his duties at the State Bank of India, Darjeepara Branch, Kolkata. Furthermore, both petitioners were residing separately from

the matrimonial home of the de facto complainant at a distinct rental accommodation situated at 6/2, Tegharia, Jhowtala, P.O. Hatiara, Kolkata, falling within the jurisdiction of Baguihati Police Station, far away from Bhaluka Bazar, Malda. Relying on institutional records, identity proof of employment, and the Bank's declaration regarding the attendance of the petitioner no. 1 of the date of the incident i.e., 02.05.2017 (Annexures P-3 and P-4 to the revisional application), the learned counsel argues that the simultaneous physical presence of the petitioners at the place of occurrence at the alleged date and time is an absolute impossibility and a physical absurdity.

**10.** It is strenuously contended that the FIR and the subsequent charge-sheet fail to disclose any specific, overt act attributed to either of the two petitioners. The allegations are generalized and vague, lacking specificity to satisfy the foundational ingredients necessary to constitute an offence of cruelty under Section 498A IPC or an attempt to commit murder under Section 307 IPC. The complainant's extreme allegation of pouring kerosene oil on her in an attempt to set her ablaze is specifically directed against another individual (Chandan Sarkar), and roping in the brother-in-law and his wife (the petitioners) who reside far away in Kolkata is a textbook example of "over-implication" commonly witnessed in matrimonial litigations.

**11.** Drawing attention to the timeline, counsel points out that the marriage took place in the year 2007, whereas the complaint was lodged ten years later in 2017, following a prolonged and unexplained silence. Such a delayed onslaught, coupled with a lack of contemporaneous

medical proof linking the petitioners to the alleged injuries, demonstrates that the prosecution is a fabricated and retaliatory measure.

- 12.** To reinforce these submissions, the learned counsel for the petitioners placed reliance on the authoritative pronouncements of the Hon'ble Supreme Court in *State of Haryana & Ors. v. Bhajan Lal & Ors.*, [(1992 Supp (1) SCC 335)] for the proposition that where the allegations are so absurd and inherently improbable on the face of it that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused, the proceedings are liable to be quashed, *Geeta Mehrotra & Anr. v. State of UP & Anr.*, [(2012) 10 SCC 741] for the proposition that mere casual references to the names of family members in a matrimonial dispute do not justify their prosecution under Section 498A IPC in the absence of clear, specific, and distinct allegations attributing overt acts and *Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.*, [(2022) 6 SCC 599] for the proposition that amidst the increasing tendency to implicate distant relatives of the husband in matrimonial disputes through general and omnibus allegations, the courts should be cautious in allowing the criminal proceedings against such relatives to continue mechanically.
- 13.** *Per Contra*, the learned Additional Public Prosecutor appearing for the State of West Bengal, ably supported by the counsel for the Opposite Party No. 2, vehemently opposed the prayer for quashing and submitted that while conducting detailed investigation pursuant to the lodging of the FIR, the Investigating Officer collected sufficient ocular and

documentary evidence, including the statements of independent witnesses recorded under Section 161 Cr.P.C. and the medical injury reports from Bhaluka PHC. These materials culminated in the submission of a robust Charge Sheet No. 698 of 2017 under Sections 341/325/498A/307/34 of the IPC read with Sections 3/4 of the Dowry Prohibition Act, 1961 establishing a strong *prima facie* case against all the named accused persons.

14. The State contends that the plea of separate residence, employment postings, and alibi raised by the petitioners constitute pure questions of disputed fact. It is a well-settled proposition of criminal jurisprudence that a defence of alibi or separate living cannot be adjudicated in a mini-trial by the High Court in exercise of its extraordinary jurisdiction under Section 482 Cr.P.C. Such defences must be established by leading cogent evidence during the course of a full-fledged trial before the learned Sessions Court, Malda where the matter already stands committed under Section 209 Cr.P.C.
15. It is further urged that the offences alleged in the said FIR and consequential Charge-Sheet, particularly the offences under Sections 307 and 498A of the IPC, wherein serious allegations involving an attempt to set a young woman/wife on fire using kerosene oil have been made, are heinous in nature and affect societal harmony. Stifling such a prosecution at the threshold, without permitting the victim to depose before the court, would result in a miscarriage of justice.
16. In support of their such contentions, they relied on the *State of Madhya Pradesh v. Awadh Kishore Gupta & Ors.*, [(2004) 1 SCC 691] for the

proposition that the exercise of powers under Section 482 Cr.P.C. to quash proceedings is an exception rather than a rule, and such inherent jurisdiction should not be exercised to stifle a legitimate prosecution where the police report discloses cognizable offences, and *Rajiv Thapar & Ors. v. Madan Lal Kapoor*, [(2013) 3 SCC 330] for emphasizing that while evaluating a plea for quashing based on defence documents, the High Court must ensure that the material relied upon by the accused is of unimpeachable and sterling quality i.e. a reasonable man should be persuaded to dismiss and condemn the actual basis of accusations as false, failing which the matter must proceed to trial.

- 17.** The rival submissions present a classic judicial tussle between the protection of collateral family members from vexatious, omnibus matrimonial prosecutions on one hand, and the imperative need to subject serious penal allegations to trial on the other.
- 18.** Having carefully considered the foundational facts, the rival submissions advanced by the learned counsels for the parties, the statutory provisions of the Indian Penal Code and the Code of Criminal Procedure, as well as the authoritative pronouncements of the Hon'ble Supreme Court, this Court finds that the final and conclusive disposal of the instant criminal revisional application rests upon the formulation, analysis, and determination of the following core questions:

- I. Whether the allegations made in the FIR and the materials collected in the charge-sheet disclose any specific, overt act or essential legal ingredients constituting an offence under Section 498A or Section 307 of the IPC specifically against the petitioners (Sukanta Sarkar and Ruma Sarkar), or whether they fall within the category of vague, omnibus assertions directed against distant and collateral family members?
- II. Whether the contemporaneous institutional records, employment particulars of Petitioner No. 1 with the State Bank of India, and separate residential proofs at Kolkata establish an unimpeachable plea of separate living and geographical impossibility regarding the petitioners' presence at the scene of occurrence in Malda as on the date and time of the alleged incident, thereby satisfying the rigorous test for invoking inherent powers under Section 482 of the Cr.P.C. at the post-commitment stage?
- III. Whether the continuation of the criminal proceeding arising out of Harishchandrapur P.S. Case No. 417 of 2017 (corresponding to G.R. Case No. 977 of 2017) against the petitioners would result in a gross abuse of the process of the court, warranting the exercise of supervisory and corrective jurisdiction of this High Court to quash the proceedings as against them?

- 19.** These three interconnected questions for determination encapsulate the entire controversy between the parties and shall form the definitive framework for rendering the final judgment and order in this matter.
- 20.** To resolve the first question, I must carefully scrutinize the text of the initial written complaint lodged by the de facto complainant/Opposite Party No. 2 on 14.05.2017, as well as the summary of the investigation embodied in Charge Sheet No. 698 of 2017. Upon a plain and meticulous reading of the FIR, it becomes immediately apparent that the primary grievances and active allegations of physical assault and the pouring of kerosene oil on the complainant are specifically attributed to the husband, Ramkrishna Sarkar, who is the principal accused and another named relative, Chandan Sarkar. The petitioners herein Sukanta Sarkar (the brother of the principal accused) and Ruma Sarkar (his wife) find mention only as part of a generalized, sweeping statement in the said written complaint insofar the allegation that *“the accused persons in connivance with each other subjected the informant to physical and mental torture over dowry demands.”*
- 21.** It is a cardinal principle of criminal jurisprudence, repeatedly underscored by the Hon’ble Supreme Court in a catena of authoritative pronouncements, that criminal liability, particularly involving grave penal consequences under Section 498A and Section 307 of the IPC, cannot be fastened upon collateral family members on the strength of vague, omnibus, and generalized allegations devoid of any specific date(s), time(s), or distinct attribution of overt acts. In matrimonial disputes, unfortunately there is growing tendency to rope in all close

and distant relatives of the husband in a routine manner to settle scores or exert pressure, without pausing to consider whether the ingredients of the alleged offences are legally made out against each individual accused.

**22.** Looking closely at the ingredients of Section 498A of the IPC, the provision contemplates wilful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb, or health. Similarly, Section 307 of the IPC requires an act done with such intent or knowledge and under such circumstances that, if the accused, by that act, caused death, they would be guilty of murder. In the case at hand, the extreme and horrifying allegation of attempting to set the victim on fire using kerosene oil is specifically targeted at a co-accused, with no specific role, active participation, or direct overt act assigned to the present petitioners. The charge-sheet materials, when examined against this backdrop, merely parrot the general allegations of the FIR without bringing on record any sterling or distinct material establishing the direct involvement of the petitioners in the alleged acts of cruelty or attempt to murder under Sections 498A and 307 of the IPC.

**23.** This legal position finds robust support in the authoritative pronouncements of the Hon'ble Supreme Court. In the landmark case of *Geeta Mehrotra (supra)*, the Apex Court explicitly held that casual references to the names of family members in a matrimonial dispute, unsupported by any specific attribution of overt acts, do not justify their prosecution under Section 498A IPC. This principle was further

reinforced and amplified in the recent binding dictum of the Hon'ble Supreme Court in *Kahkashan Kausar (supra)*, wherein the Apex Court sternly deprecated the misuse of Section 498A IPC through general and omnibus allegations against distant or collateral relatives, holding that criminal proceedings against such family members cannot be permitted to drag on mechanically in the absence of clear and specific allegations.

- 24.** Applying these settled legal principles to the facts of the present case, it is evident that the allegations against the petitioners (Sukanta Sarkar and Ruma Sarkar) are nothing more than a product of over-implication, *prima facie* lacking the essential foundational ingredients required to sustain a prosecution under Sections 498A or 307 of the IPC. The FIR and the resulting charge-sheet fail the test of legal scrutiny insofar as these petitioners are concerned.
- 25.** Accordingly, the Question No. 1 is answered and determined in favour of the petitioners; the allegations made in the FIR and the materials collected in the charge-sheet do not disclose any specific, overt act or essential legal ingredients constituting an offence under Sections 498A or 307 of the IPC against the petitioners, instead constitutes vague and omnibus assertions typical of improper over-implication in matrimonial litigations.
- 26.** Now, to determine the second Question, I must evaluate the documentary materials placed on record by the petitioners, which stand in stark contrast to the generalized assertions of the prosecution. The foundational case of the de facto complainant places the scene of occurrence at her matrimonial home in Bhaluka Bazar,

Harishchandrapur, District Malda, and fixes the date and time of the alleged violent incident as 02.05.2017 at around 6:00 A.M.

**27.** However, the record reveals an unshakeable institutional reality regarding the location of the petitioners at the relevant time. Petitioner No. 1 (Sukanta Sarkar) is a regular salaried employee of the State Bank of India. During the relevant period surrounding the alleged incident, Petitioner No. 1 was officially posted, stationed, and actively discharging his duties at the State Bank of India, Darjeepara Branch, Kolkata. The official employment records and bank particulars (Annexures P-3 and P-4) conclusively establish his active professional presence in Kolkata on the date of the said alleged incident i.e., 02.05.2017, making his sudden physical presence at a domestic flashpoint in rural Malda at 6:00 A.M. the same day a complete physical impossibility. Secondly, both petitioners were residing separately from the matrimonial home of the complainant at a distinct, independent rental accommodation situated at 6/2, Teghoria Jhowtala, P.O. Hatiara, Kolkata - 700157, falling within the territorial jurisdiction of Baguihati Police Station (Annexure P-3). Their distinct residential setup miles away from Malda further underscores the fact that they were living separate lives and had no direct day-to-day nexus with the domestic friction occurring at the petitioner No. 1's primary residence.

**28.** The primary objection to quashing raised by the State and the Opposite Party No. 2 is that a plea of alibi or separate residence constitutes a disputed question of fact that must ordinarily be established through evidence during a full-fledged trial. While this principle holds true in

cases where the accused relies on weak, oral, or self-serving assertions, a different standard applies when the defence is backed by unimpeachable, sterling documentary evidence emanating from public institutions and scheduled commercial banks.

- 29.** This distinction has been authoritatively recognized by the Hon'ble Supreme Court in landmark pronouncements. In *Rajiv Thapar (supra)*, the Apex Court, at paragraph 30 of the report, laid down a clear four-step test for exercising inherent jurisdiction under Section 482 Cr.P.C. at the threshold or pre-trial stage and held that if the documents relied upon by the accused are of unimpeachable and sterling quality, and their genuineness is not in doubt, the High Court can unhesitatingly look into them to evaluate whether the continuation of the criminal proceeding would result in an abuse of the process of law. The Supreme Court further emphasized that an accused cannot be forced to undergo the rigours and harassment of a criminal trial where sterling material conclusively demonstrates that their physical presence at the scene of the crime was an absolute impossibility.
- 30.** In the present case, the employment certificates and institutional address records of a nationalized bank (State Bank of India) possess the highest degree of unimpeachable and sterling quality. They are not fabricated private papers but authentic institutional records maintained in the ordinary course of business. When these documents are read alongside the reality that the Petitioner No. 2 (Ruma Sarkar) resided as a homemaker with her husband (Petitioner No. 1) in Kolkata, the plea of separate living and geographical impossibility stands fully fortified. To

compel a bank employee stationed in Kolkata to face trial in Malda based on an omnibus FIR, despite irrefutable records showing that at the date and time of the alleged incident, he was miles away at his workplace, would be a gross travesty of justice.

- 31.** Accordingly, the Question no. 2 is answered in the affirmative and determined in favour of the petitioners. The contemporaneous institutional records, employment particulars of Petitioner No. 1 with the State Bank of India, and separate residential proofs of the petitioners at Kolkata establish an unimpeachable plea of separate living and geographical impossibility, fully satisfying the rigorous parameters for invoking the inherent powers of this Court under Section 482 of the Cr.P.C, at the post-commitment stage of trial.
- 32.** The resolution of the third and final question for determination requires me to synthesize the findings already arrived at under Question Nos. (I) and (II). Firstly, I have arrived at the conclusion that the FIR and the resultant charge-sheet are completely devoid of any specific overt acts, distinct roles, or essential legal ingredients *prima facie* constituting an offence under Sections 498A or 307 of the IPC against the present petitioners (Sukanta Sarkar and Ruma Sarkar), reducing their arraignment to a textbook instance of omnibus over-implication.
- 33.** Secondly, it has been established through unimpeachable and sterling institutional records namely, employment particulars of Petitioner No. 1 with the State Bank of India at Kolkata and verifiable residential proofs that the petitioners were living separately from the complainant at Kolkata and that their physical presence at the scene of occurrence in

rural Malda on the date and time of the alleged incident was a geographical impossibility.

- 34.** The parameters governing the exercise of inherent powers under Section 482 of the Cr.P.C. are designed precisely to address such exceptional situations. The foundational guidelines laid down by the Hon'ble Supreme Court in the epochal decision of *Bhajan Lal (supra)* clearly mandate that where the allegations made in the FIR or the charge-sheet are so absurd and inherently improbable on the face of it that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused, the High Court must exercise its extraordinary jurisdiction to quash the proceedings. The Court further cautioned against allowing such criminal proceedings to become instruments of harassment or weaponized litigation against distant or collateral family members.
- 35.** To compel the petitioners; one being a respectable bank employee stationed in Kolkata and the other, his homemaker wife to travel down to Malda, subject themselves to the harrowing ordeal of a Sessions trial, and stand dock for heinous offences like Section 307 IPC when the police papers and institutional records overwhelmingly demonstrate their complete dissociation from the scene of crime, would be a gross travesty of justice and an undeniable abuse of the process of the court. The commitment of the case to the Court of Sessions under Section 209 Cr.P.C. cannot operate as a legal embargo against the invocation of inherent powers of the High Court under Section 482 Cr.P.C., especially

where the continuation of the proceeding has transformed into an instrument of oppression.

**36.** Accordingly, Question No. 3 is answered in the affirmative and determined in favour of the petitioners: the continuation of the criminal proceeding arising out of Harishchandrapur P.S. Case No. 417 of 2017 (corresponding to G.R. Case No. 977 of 2017) against the petitioners would result in a manifest and gross abuse of the process of the court, thereby compelling this Court to exercise its inherent and corrective jurisdiction under Section 482 of the Cr.P.C. to quash the same in its entirety as against them.

**37.** Having systematically examined, discussed, and conclusively determined all the formulated questions for discussion in favour of the petitioners, it is now appropriate to encapsulate the distinct legal findings that emerge from this adjudication before framing the final operative order. To summarize the judicial determinations arrived at across the scope of this revisional application under Section 482 of the Cr.P.C., the following legal positions stand conclusively settled:

- i. Criminal liability under Section 498A and Section 307 of the IPC cannot be fastened upon collateral and distant family members on the strength of vague, generalized, and omnibus assertions devoid of specific dates, times, or distinct overt acts, in terms of the binding principles enunciated in *Geeta Mehrotra (supra)* and *Kahkashan Kausar (supra)*.

- ii. Where a plea of separate residence and geographical impossibility is supported by unimpeachable, sterling institutional records—such as official bank employment particulars and verified residential proofs—the High Court is fully justified under Section 482 Cr.P.C. in examining such documents at the post-commitment stage of trial to prevent vexatious prosecution.
- iii. The extraordinary and inherent powers under Section 482 of the Cr.P.C. are specifically designed to cut short criminal proceedings that are manifestly attended with mala fides, lack essential legal ingredients, or where continuation would result in a gross and manifest abuse of the process of the court.

**38.** In light of the exhaustive foregoing discussions, the foundational analysis, and the settled principles of criminal jurisprudence, the instant criminal revisional application succeeds. C.R.R. No. 2028 of 2023 is therefore allowed.

**39.** Consequently, the impugned criminal proceedings arising out of Harishchandrapur P.S. Case No. 417 of 2017 dated 14.05.2017 under Sections 341/325/498A/307/34 of the IPC along with Sections 3/4 of the Dowry Prohibition Act, 1961 corresponding to G.R. Case No. 977 of 2017, along with Charge Sheet No. 698 of 2017 dated 30.09.2017 and the consequential commitment order dated 28.10.2021 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda are

hereby quashed and set aside, specifically in respect of the present petitioners, namely, Sukanta Sarkar and Ruma Sarkar.

- 40.** It is explicitly clarified that this quashing operates solely in favour of the two petitioners herein and shall have no bearing whatsoever on the continuation of the pending criminal proceedings against the remaining co-accused persons before the learned Sessions Court, which shall proceed strictly in accordance with law on its own merits.
- 41.** Interim orders, if any, stand vacated.
- 42.** Pending connected application(s), if any, also stand disposed of accordingly.
- 43.** There shall be no order as to costs.
- 44.** Let a copy of this judgment, along with the records of this case, be transmitted to the Court of the learned Additional Sessions Judge, Chanchal, Malda, and the Court of the learned jurisdictional Magistrate for necessary information, compliance, and record-keeping forthwith.
- 45.** Case diary, be returned to the Learned Counsel for the State.
- 46.** Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

***(Uday Kumar, J.)***