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**08.07**  
**2024**  
Ct. No. 3

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**C.R.R. 215 of 2024**  
**Shri Narayan Biswas**  
**Vs.**  
**The State of West Bengal & Anr.**

*Mr. Nitish Banka*  
*Mr. Dhiraj Lakhota*  
*Ms. Khushi Kundu*  
*Ms. Meghana Joshi*

*...For the Petitioner*

Present application has been preferred by the petitioner/husband with a prayer for quashing of the FIR, being Falakata Police Station Case No. 83 of 2024 dated 2<sup>nd</sup> March, 2024 under Section 498A of the Indian Penal Code.

Petitioner contended that the petitioner was married with the opposite party No. 2 only resided in the shared matrimonial home at Bangalore together for barely one month and the respondent No. 2 claims that the petitioner treated her with extreme cruelty for a period of time whereas they resided together in the said matrimonial home. On 27<sup>th</sup> December, 2023, the opposite party No. 2 left her matrimonial home at Bangalore and even during stay in Bangalore for such a short duration, no complaint was ever lodged by the opposite party No. 2 nor she had gone to any hospital to seek treatment against any alleged cruel act which clearly shows that the present FIR has been lodged with a mala fide intention to implicate the petitioner false criminal proceeding. Accordingly, petitioner has sought for quashing the said proceeding.

Learned Counsel for the petitioner moved prayer for ad interim stay of the impugned proceeding.

Petitioner is directed to serve copy of the application along with a notice upon the opposite parties intimating the next date of hearing and to file affidavit-of-service on the returnable date.

Let the matter be listed before the next available Circuit Bench.

Upon hearing the learned Counsel appearing on behalf of the petitioner it appears that the petitioner has made out an arguable case as above, which needs adjudication.

In such view of the matter, the impugned proceeding, being Falakata Police Station Case No. 83 of 2024 dated 2<sup>nd</sup> March, 2024, being G.R. Case No. 379 of 2024, presently pending before the learned Additional Chief Judicial Magistrate at Alipurduar is stayed for a period of four weeks from date or until further order whichever is earlier.

***(Ajoy Kumar Mukherjee, J. )***