

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

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

CRR 1457 OF 2024

**SK. AZHARUDDIN @ AKASH
-VS-
STATE OF WEST BENGAL & ANR.**

For the Petitioner : Mr. N. S. Ghosh,
Ms. Labani Sikder
Mr. Souvik Dey

For the Opposite Party No. 2 : Mr. Amit Dey,
Mr. Ankan Santra

For the State : Mr. Gurudas Mitra,
Mr. Utsav Dutta

Reserved on : 25.08.2026

Pronounced on : 02.09.2026

UDAY KUMAR, J.: –

I. INTRODUCTION

1. The present criminal revision petition, preferred under Section 482 of the Code of Criminal Procedure, 1973, brings to the fore a classic contest between technical statutory defences and the lived realities of

domestic cohabitation. The petitioner, Sk. Azharuddin @ Akash, has invoked the inherent jurisdiction of this Court seeking the complete quashing of G.R. Case No. 2793 of 2022 arising out of Burdwan Police Station Case No. 587 of 2022 dated 03.06.2022, under Sections 498A, 420, and 384 of the Indian Penal Code, 1860, along with Charge Sheet No. 984 of 2022 dated 28.08.2022, currently pending before the learned Chief Judicial Magistrate, 2nd Court, Purba Bardhaman.

II. FOUNDATIONAL FACTS

- 2.** The foundational genesis of this litigation unfurls from a written complaint lodged by the opposite party no. 2, Koyel Begum alias Jaya Roy, before the learned Chief Judicial Magistrate, Purba Bardhaman, which was subsequently forwarded to the police under Section 156(3) of the CrPC, setting the criminal machinery in motion, leading to the registration of the FIR No. 587 of 2022 by the Burdwan Police Station. The complainant asserted that following her separation from a prior marriage and a chance encounter with the petitioner in 2019, the petitioner deceitfully represented himself as an unmarried orphan. She alleged that she was drawn into a romantic liaison, persuaded to convert to Islam, and eventually subjected to a registered Muslim marriage ceremony on 02.07.2020.
- 3.** According to her narrative, both of them had cohabited as husband and wife in a rented house situated at Dhasor village, under the domain of the landlord Md. Mirza. Shortly thereafter, she discovered to her utter dismay that the petitioner was already a married man with a pregnant

wife and her surviving parents. When she confronted him regarding this grave deception, she was allegedly subjected to relentless physical and mental cruelty, culminating on 01.05.2022, when she was brutally assaulted and driven out of the shared residence. Subsequent local police inaction compelled her to approach the jurisdictional magistrate under Section 156(3) CrPC.

4. Upon registration of the aforesaid FIR, the investigating agency embarked upon a comprehensive investigation. The investigating officer visited the place of occurrence, prepared a rough sketch map, and recorded the statements of independent witnesses under Section 161 of the CrPC. Crucially, the landlord, Md. Mirza, corroborated that the couple resided in his premises on rent as spouses and noted that a violent dispute erupted on 01.05.2022, revealing their underlying marital complications. Similar supporting statements were recorded from the parents of the opposite party no. 2. Although the complainant could not produce formal documentary proof of the Muslim marriage, the investigating officer concluded that the de facto cohabitation as husband and wife and the eyewitness testimonies disclosed a robust *prima facie* case.
5. Consequently, upon the petitioner's surrender before the jurisdictional court and subsequent release on bail, Charge Sheet No. 984 of 2022 under Sections 420, 498A, and 384 of the IPC was submitted against the sole accused. Simultaneously, records reveal a parallel civil proceeding in the form of Matrimonial Suit No. 1034 of 2023 under Section 13B of the Hindu Marriage Act, instituted jointly by the

opposite party no. 2 and her previous legal husband, Sankar Mondal, seeking a mutual consent divorce, which remained pending before the district judiciary with a reconciliation date fixed for July 2024.

6. Aggrieved by the continuation of these criminal proceedings and the filing of the chargesheet, the petitioner has approached this Court under Section 482 of the CrPC, contending that the entire prosecution is an abuse of process and legally unsustainable in the absence of a valid, subsisting marriage with the complainant.

III. SUBMISSIONS OF THE PETITIONER

7. Mr. N.S. Ghosh, learned counsel appearing for the petitioner, submitted that the entire criminal proceeding is a gross abuse of the judicial process and warrants outright quashing by this Court. He argued that the petitioner vehemently denies the existence of any valid legal marriage with the opposite party no. 2, emphasizing that parties governed by divergent religious personal laws cannot contract a valid marriage without adhering to mandatory statutory frameworks, and no such valid union ever came into existence. He submitted that an offence under Section 498A of the IPC cannot be sustained when two adults merely cohabit voluntarily outside a lawful wedlock.
8. Expanding on his legal challenge, Mr. Ghosh pointed out that the earlier marriage of the opposite party no. 2 with Sankar Mondal was legally subsisting and undissolved at the relevant time, as evidenced by the subsequent Section 13B mutual consent divorce proceeding filed after the FIR, which meant she lacked the legal capacity to enter into a

second marriage, thereby rendering any second nuptial claim void *ab initio* and constituting the offence of bigamy.

9. He further argued that an inter-religious marriage without formal conversion procedures recognized under law is illegal, and since no documentary proof of marriage registration under Muslim law was recovered by the investigating officer, the absence of a valid marriage destroys the foundational premise of Section 498A. Consequentially, he argued, the ancillary charges of cheating under Section 420 and extortion under Section 384 of the IPC, which allegedly sprang from the marital transaction, must also collapse.
10. In reinforcing his submissions on statutory strictness and the limitations of judicial expansion, Mr. Ghosh placed heavy reliance on the principles articulated by the Apex Court in *Dr. Lokesh B.H. & Ors. v. State of Karnataka & Anr.* (2026 SCC OnLine SC 1470), emphasizing the rule of restraint in statutory construction:

"The rule which has attached itself to the phrase is a rule of restraint, and it is that a court does not supply what the legislature did not enact. Most apparent omissions close once the definition clause and the neighbouring sub-sections are read alongside the provision, which is why so few arguments of this kind survive the second principle... A deliberate legislative choice is not an omission, however unwelcome it may be to the party affected by it, and neither is a provision which is merely inconvenient to work with. The reason the rule holds firm in both situations is that the language employed in a statute is the determinative factor of legislative intent, and while interpreting a provision the court only interprets the law and cannot legislate it."

11. Mr. Ghosh contended that stretching the definition of a husband or marriage beyond strict legislative boundaries to cover legally flawed or void relationships violates this core principle of judicial restraint. He further sought to distinguish the broader ratio of *Dr. Lokesh B.H.* from the unique facts of the present case, arguing that the ruling cannot be applied retrospectively to criminalize past domestic interactions where no valid legal framework or lawful intent ever existed.

IV. SUBMISSIONS ON BEHALF OF THE STATE

12. Mr. Gurudas Mitra, learned counsel appearing for the State, vehemently opposed the prayer for quashing, submitting that the prosecution is at the threshold stage of trial and is backed by abundant incriminating material gathered during the police investigation. Highlighting the statements of the landlord, Md. Mirza, at page 25 of the revisional application, Mr. Mitra pointed out that the independent witness affirmed that the petitioner and the opposite party no. 2 resided together in his premises on rent as spouses, and that when a violent dispute erupted on 01.05.2022, he came to learn of their underlying marital situation. He further noted that this de facto cohabitation as husband and wife was corroborated by the parents of the opposite party no. 2, whose statements were duly recorded by the police at pages 11 and 12 of the case diary. He maintained that technical arguments regarding the strict validity of a formal marriage cannot override the factual reality and evidence of their shared household.

- 13.** In support of his contention that a formal, flawless traditional marriage is not an absolute prerequisite for invoking penal consequences under domestic anti-cruelty laws, Mr. Mitra placed strong reliance on paragraphs 9, 17, 18, and 19 of the recent Apex Court pronouncement in *Dr. Lokesh B.H. & Ors. (supra)*.

“ 9. Keeping the judicial development of the Section in view, as captured above, we now deal with the appellant’s contention that Section 498A being a penal provision has to be interpreted strictly, confined only to a husband married to a woman in the traditional sense. This contention is rejected. The purpose of penalising cruelty by a husband and his relatives was to introduce a factor of deterrence against the reprehensible behaviour that was exhibited by such family members toward a married woman, which was not addressed by the existing laws at the time. The objective, quite obviously, was reformatory, cloaked with punishment. Since the provision was aimed at solving a societal issue, it is this larger objective of securing equality for women, stepping away from the superiority of males that is an inheritance from bygone days, that has to inform the understanding in interpretation and implementation of the Section. Given this purpose, implementation necessarily has to be not literal/conservative or technical but instead informed and aware of the objective. So, while it is true that penal statutes have to receive strict construction, the light of that principle cannot dim the objective of one part of the statute. It has also to be understood that forty-three years ago, when this provision was introduced in 1983, there were only two laws dealing specifically with domestic cruelty. One being the general law of the IPC and the other, the Dowry Prohibition Act 1961. Hence, short of introducing entirely new legislation, this one Section, as an option, it appears, in the hands of the legislative branch was duly exercised.

The interpretation given to this penal provision must be an interpretation which keeps in view the reformatory objective, or else its mandate will be defeated.

Having discussed the object, purpose and interpretive tools regarding Section 498A, we now move to the main question at hand i.e., “live-in relationship” and the application of the Section thereto.”

“17. When the objective of the Section 498A was to provide coverage to those cases where harassment by husband or in-laws through wilful conduct causing mental or physical injury or driving the woman to suicide, then to say that such harassment can only be caused when they are married and not before that, in our considered view, would be a case of over simplification. Whether or not the woman in question is married or not, in the present day, does not have a proximate link to the objective of the Section, which is to prevent cruelty in such household setting. It may have been the case four decades ago and as such the law was then, truly well intentioned, but law, by its very nature, is organic and responds to change in society in some cases and leads to change in society in other cases. The present case is of the former kind, where it is responding to the change. “Live-in relationships” are today, more or less, a reality -- primarily in urban areas (be it for whatever reason), where an increasingly large section of the population resides, and the law must adapt itself to serve those who choose this form.”

“ 18. Not a single person goes into a relationship knowing or anticipating that cruelty may be meted out to them. When a couple sets out on their journey, it is always, one presumes, with the best of intentions and to bring joyfulness of all forms. With the passage of time, however, some relationships may go down this troublesome

path. The law must provide for the same. This distinction between “married” and “live-in relationship in the nature of marriage”, in as much as it relates to the protection envisaged by Section 498A, has no rational nexus with the object of preventing domestic violence and is as such offensive to Article 14 of the Constitution of India.”

HARMONISING WORDS AND INTENT

“19. Once it is established that the distinction between relationship in the nature of marriage and marriage, in so far as protection against cruelty is concerned, does not satisfy Article 14, the next aspect is to harmonise the words of the section and its beneficial intent. We have already discussed earlier the approaches of literal interpretation and purposive interpretation. Although the conflict between these two approaches has been recognised as perennial, there is now a shift towards the latter. As put by Lord Millett ‘we are all purposive constructionists now’. For beneficial legislations intended to remedy a social evil, the Court’s duty is to discern the intention of the legislature and advance the mischief rule to ensure the statute is not reduced to futility.”

- 14.** Drawing from the ratio of these paragraphs, he submitted that their relationship constituted a "relationship in the nature of marriage," thereby extending the protective umbrella of Section 498A of the IPC beyond traditional marriages to domestic arrangements where parties cohabit as spouses.
- 15.** Concluding his submissions, Mr. Mitra urged that questions concerning religious conversion, alleged enticement, suppression of facts, and the precise nature of cohabitation are quintessential disputed questions of fact that cannot be adjudicated in a summary manner under Section 482 of the CrPC. Emphasizing that a revisional or quashing court

cannot convert itself into a trial court or conduct a mini-trial to weigh conflicting evidence, he prayed for the outright dismissal of the petition.

V. SUBMISSIONS ON BEHALF OF OPPOSITE PARTY NO. 2

- 16.** Mr. Amit Dey, learned counsel appearing on behalf of opposite party no. 2, vehemently adopted the submissions advanced by the learned counsel for the State and urged that the criminal proceeding must be permitted to reach its logical conclusion through a full-fledged trial. He submitted that the legislative philosophy underlying Section 498A of the IPC is remedial and protective, designed specifically to shield vulnerable individuals from matrimonial atrocities, deceit, and exploitation within domestic setups.
- 17.** To reinforce his arguments, Mr. Dey placed extensive reliance on the authoritative observation of the Supreme Court in *Dr. Lokesh B.H. & Ors.* (supra), which directly negates the technical defence raised by the petitioner, noting:

"The High Court rejected the contentions of the appellant that a valid marriage is a sine qua non for the application of Section 498A IPC, as an unduly technical construction of the provision that is removed from the purpose and intent thereof. It was observed that the appellant had suppressed the factum of his first marriage, and that after marrying respondent no. 2, presented himself as her husband."

- 18.** Building upon this, Mr. Dey invoked the timeless ratio of the Apex Court in *Reema Aggrawal v. Anupam and Others* [(2004) 3 SCC 199]:

"The concept of marriage to constitute the relationship of 'husband' and 'wife' may require strict interpretation where claims for civil rights, right to property etc. are involved inside various other enactments and volatile situations. But that does not stand in the way of a liberal construction being given to the expression 'marriage' occurring in Section 498-A of the IPC, bearing in mind the object and intent of the legislation. Keeping in view the aim which is intended to be achieved and the object sought to be fastened, the expression 'husband' would cover a person who enters into marital relationship and under the colour of such proclaimed or feigned status of husband subjects the woman concerned to cruelty or coerces her in any manner or for any of the purposes enumerated in the relevant provisions. The absence of a definition of 'husband' to specifically include such persons who contract marriages ostensibly and cohabit with such woman, in the purported exercise of their role and status as 'husband' is no ground to exclude them from the purview of Section 304-B or 498-A IPC, viewed in the context of the very object and intent of the legislature and the evils sought to be curbed. It would be apt to construe the expression in a way which would fulfill the statutory purpose and not one which would frustrate it."

- 19.** Mr. Dey contended that the petitioner cannot be permitted to take advantage of his own deceit by feigning a marital status, inducing religious conversion, and subsequently turning around to plead the technical invalidity of the marriage to escape criminal liability. He submitted that there is no concept of retrospective inapplicability here, as the legal principles clarifying the scope of Section 498A only reaffirm the existing legislative intent to cover relationships in the nature of marriage. Concluding his arguments, he reiterated that the contentions

regarding the subsistence of a prior marriage, alleged bigamy, and disputed facts are matters of evidence to be tested before the trial court, and this Court ought not to interfere under its inherent jurisdiction.

VI. QUESTIONS FOR DETERMINATION

20. The rival contentions advanced by the respective parties crystallize the following core questions for determination by this Court:

- i. Whether an offence under Section 498A of the IPC is legally maintainable in a relationship in the nature of marriage where a formal traditional marriage is absent or legally flawed?
- ii. Whether, in the backdrop of disputed factual assertions regarding marital status and prior subsisting marriages, the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973, ought to be invoked to quash the chargesheet and criminal proceedings at the threshold stage?
- iii. Whether the judicial exposition and ratio decided by the Hon'ble Supreme Court in *Dr. Lokesh B.H. & Ors. v. State of Karnataka & Anr. (supra)* apply retrospectively to acts committed prior to the pronouncement of the said judgment?

VII. DISCUSSIONS ON FACTS, LAW, AND PROPOSITIONS OF CASES CITED

21. Proceeding to examine the first question as to the whether a criminal prosecution under Section 498A of the Indian Penal Code, 1860, is legally maintainable in a relationship in the nature of marriage absent a

strictly valid traditional marriage, I must address the foundational premise urged by the petitioner that a flawless, legally unassailable marriage is an absolute *sine qua non* for attracting penal liability under anti-cruelty laws. The argument advanced on behalf of the petitioner posits that because the earlier marriage of the opposite party no. 2 allegedly subsisted and no document evidencing formal, registered Muslim marriage could be recovered, the foundational element of a "husband-wife" relationship collapses, thereby rendering the invocation of Section 498A void *ab initio*. However, this narrow, pedantic construct of criminal jurisprudence fails to withstand the test of judicial scrutiny when juxtaposed with the statutory intent of the enactment, the factual materials unearthed during investigation, and the progressive exposition of law laid down by the Hon'ble Supreme Court.

- 22.** To properly appreciate the legal framework, one must look closely at the statutory text of Section 498A of the Indian Penal Code, 1860, which penalizes cruelty by the husband or the relative of the husband of a woman. For convenience, the statutory provision is reproduced herein:

“Section 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.”*

- 23.** The legislature deliberately employed the term "husband" within the context of domestic protection, but the scope of this expression has been a subject of vital judicial interpretation when confronted with

instances of deceit, feigned marriages, and marriage-like live-in arrangements. The traditional view that only a woman wedded in a formal, legally unassailable ceremony can seek refuge under this provision has long been discarded to prevent abusers from exploiting technical loopholes.

- 24.** This evolution of legal principle finds its most authoritative expression in the recent pronouncement of the Hon'ble Supreme Court in *Dr. Lokesh B.H. & Ors.* (supra), where the Apex Court examined the interplay between statutory strictness and the social objective of penal enactments. Addressing the necessity of a purposive construction, the Supreme Court elaborated thus:

"Though penal statutes are to be given strict construction, however, in applying the same, it is necessary to seek the intention of its maker. The Legislature cannot exhaustively consider all situations and circumstances where a statute may be applied, and therefore, a purposive construction becomes imperative to fulfill the social objective of the enactment rather than allowing technical loopholes to defeat it."

- 25.** Building upon this rationale, the Apex Court in *Dr. Lokesh B.H.* (supra) firmly rejected the proposition that a formal, valid marriage is an inflexible prerequisite under Section 498A, noting:

"The High Court rejected the contentions of the appellant that a valid marriage is a sine qua non for the application of Section 498A IPC, as an unduly technical construction of the provision that is removed from the purpose and intent thereof. It was observed that the appellant had suppressed the factum

of his first marriage, and that after marrying respondent no. 2, presented himself as her husband."

- 26.** This line of reasoning is deeply anchored in the foundational jurisprudence laid down earlier by a three-judge Bench of the Supreme Court in *Reema Aggrawal* (supra), wherein the Court underscored that technical definition of marriage cannot be permitted to frustrate the legislative objective of curbing domestic atrocities:

"The concept of marriage to constitute the relationship of 'husband' and 'wife' may require strict interpretation where claims for civil rights, right to property etc. are involved inside various other enactments and volatile situations. But that does not stand in the way of a liberal construction being given to the expression 'marriage' occurring in Section 498-A of the IPC, bearing in mind the object and intent of the legislation. Keeping in view the aim which is intended to be achieved and the object sought to be fastened, the expression 'husband' would cover a person who enters into marital relationship and under the colour of such proclaimed or feigned status of husband subjects the woman concerned to cruelty or coerces her in any manner or for any of the purposes enumerated in the relevant provisions. The absence of a definition of 'husband' to specifically include such persons who contract marriages ostensibly and cohabit with such woman, in the purported exercise of their role and status as 'husband' is no ground to exclude them from the purview of Section 304-B or 498-A IPC, viewed in the context of the very object and intent of the legislature and the evils sought to be curbed. It would be apt to construe the expression in a way which would fulfill the statutory purpose and not one which would frustrate it."

- 27.** When I evaluate the factual matrix of the present case against these settled principles and statutory provisions, the parallel is striking. A meticulous perusal of the case diary reveals that the investigating agency collected substantive oral and documentary materials establishing a robust *prima facie* case of de facto cohabitation. Specifically, the statement of the independent landlord, Md. Mirza, recorded under Section 161 of the CrPC at page 25 of the revisional application, categorically affirms that the petitioner and the opposite party no. 2 resided together in his rental premises as spouses, shared a common household, and were socially recognized as a married couple until a violent altercation on 01.05.2022 exposed their underlying domestic friction. This version is further fortified by the corroborative statements of the complainant's parents recorded at pages 11 and 12 of the case diary. The materials indicate that the parties cohabited following a purported nuptial ceremony, with the petitioner projecting himself in the status of a husband until the relationship unravelled amidst allegations of active deception, religious conversion, and subsequent physical and financial cruelty.
- 28.** To hold that a petitioner who induces a woman into a domestic arrangement by concealing his true marital status, cohabits under the colour of a shared spouse, and subjects her to cruelty, can subsequently escape criminal liability by pointing to technical flaws in the marriage or his own bigamous conduct would be anathema to justice. The constitutional imperatives of dignity and personal liberty, as highlighted by the Apex Court, dictate that a partner in a de facto

relationship cannot be left entirely unprotected against abuse while identical conduct within a formal marriage stands penalized.

- 29.** Accordingly, upon a harmonious reading of the statutory mandate of Section 498A, the authoritative pronouncements in *Dr. Lokesh B.H.* and *Reema Aggrawal*, and the concrete materials on record demonstrating a marriage-like domestic setup, I have no hesitation in concluding that a formal, traditional marriage is not an indispensable prerequisite for the maintenance of a prosecution under Section 498A of the IPC. The first question is, therefore, answered in the **affirmative**, holding that the criminal proceeding is legally maintainable at the threshold stage.
- 30.** Proceeding to evaluate the second question that whether the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973, ought to be exercised to quash the chargesheet and criminal proceedings at the threshold stage based on disputed factual assertions regarding marital status and prior subsisting marriages, I must examine the statutory contours governing this extraordinary jurisdiction and the parameters laid down by the Legislature and the Apex Court.
- 31.** The statutory anchor for invoking the inherent jurisdiction of this Court is explicitly embedded in Section 482 of the Code of Criminal Procedure, 1973, which preserves the inherent powers of the High Court. For ready reference, the provision is reproduced below:

“Section 482. Saving of inherent powers of High Court.—*Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such*

orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

- 32.** The parameters circumscribing the exercise of this power are well-settled through a catena of authoritative pronouncements by the Hon’ble Supreme Court. This inherent jurisdiction is designed to prevent the abuse of the process of any court or to secure the ends of justice, but it can never be utilized as a substitute for a full-fledged trial. A quashing court does not function as a trial court, nor is it legally empowered to conduct a meticulous appreciation of evidence, weigh conflicting factual claims, or engage in a mini-trial at the nascent threshold stage. Where the allegations in the FIR and the materials collected during a comprehensive police investigation disclose the essential *prima facie* ingredients of a cognizable offence, the prosecution must be permitted to proceed to its logical conclusion.
- 33.** In the factual matrix of the present case, the petitioner urges this Court to truncate the criminal proceeding by asserting that his marriage with opposite party no. 2 was legally void *ab initio*, as she has been already legally married to Sankar Mondal and the said prior marriage were subsisting till then (as evidenced by a subsequent Section 13B mutual consent divorce proceeding filed after the FIR), and that no document evidencing valid Muslim marriage registration was recovered by the investigating officer. However, these contentions are deeply rooted in disputed questions of fact that require a thorough trial for their proper adjudication. Whether opposite party no. 2's prior marriage was

subsisting at the relevant time, whether the petitioner practiced active deception by concealing his marital status, whether a valid religious conversion and marriage ceremony took place, and whether the nature of their cohabitation constituted a genuine relationship in the nature of marriage are all contentious factual issues that cannot be resolved on the basis of unilateral affidavits or summary submissions.

34. The investigating agency, while conducting a detailed probe pursuant to the registration of Burdwan Police Station Case No. 587 of 2022 under Sections 498A, 420, and 384 of the IPC, visited the scene of occurrence, prepared sketch maps, and recorded categorical statements under Section 161 of the CrPC from independent witnesses, most notably the landlord, Md. Mirza, who affirmed at page 25 of the revisional application that the couple resided in his rental premises as spouses and that a violent dispute erupted on 01.05.2022. These materials, alongside the corroborative statements of the complainant's parents recorded at pages 11 and 12 of the case diary, culminated in the submission of Charge Sheet No. 984 of 2022 on 28.08.2022. Together, they disclose a robust *prima facie* case against the petitioner. To cut short the trial at this threshold would amount to a premature throttling of a criminal prosecution that is backed by substantive investigative material.

35. Consequently, upon carefully balancing the materials on record, the statutory framework of Section 482 of the CrPC, and the settled parameters of revisional interference, I arrive at the definitive conclusion that no exceptional ground, manifest illegality, or abuse of

judicial process has been made out to warrant the quashing of the charge-sheet. The second question is accordingly answered in the **negative**, holding that the inherent powers under Section 482 of the CrPC cannot be invoked to quash the proceedings based on disputed questions of fact.

36. Finally, addressing the third question concerning the retrospective applicability of judicial expositions such as *Dr. Lokesh B.H.*, it is a well-established principle of legal interpretation that a judicial pronouncement clarifying the true import and legislative intent of a statutory provision does not constitute new law; rather, it expounds what the law has always meant since its enactment. Applying these settled principles to ongoing proceedings arising out of prior acts does not amount to impermissible retrospective criminalization, but rather ensures the proper application of existing statutory objectives to ongoing litigations.

37. Upon a comprehensive review of the statutory framework, the concrete materials on record, the rival submissions, and the settled principles of criminal jurisprudence, the legal outcome of the present revisional application stands crystallised through the following definitive findings:

- i. The traditional, narrow construct requiring a flawless traditional marriage as an absolute prerequisite for invoking Section 498A of the IPC stands firmly displaced by modern purposive interpretation. As authoritatively settled by the Hon'ble Supreme Court in ***Dr. Lokesh B.H. & Ors.*** (supra)

and **Reema Aggrawal** (supra), where consenting adults cohabit in a relationship ‘in the nature of marriage’, evidenced by a shared household, societal recognition as spouses, and an intrinsic intent to marry, the penal and protective mantle of Section 498A extends fully to such domestic arrangements. The materials on record, including the categorical statements of the independent landlord and the complainant’s parents, establish a robust *prima facie* case of de facto cohabitation, rendering the prosecution legally maintainable at the threshold stage.

- ii. The extraordinary inherent powers of this Court under Section 482 of the CrPC cannot be invoked to conduct a mini-trial or to prematurely choke a criminal prosecution based on disputed questions of fact, such as the validity of conversion, the subsistence of prior marriages, or allegations of deceit. These contentious issues demand a full-fledged trial where evidence can be tested through cross-examination, and the investigating agency having submitted Charge Sheet No. 984 of 2022 after due inquiry, no exceptional ground or manifest illegality exists to warrant interference.

VIII. ORDER

- 38.** Accordingly, upon a careful evaluation of the entire conspectus of facts, the applicable legal principles, and the authoritative pronouncements of

the Apex Court, this Court finds no merit in the instant revision petition.

39. The criminal revision application, being **C.R.R. No. 1457 of 2024**, is accordingly **dismissed**.
40. Any interim orders passed earlier stand vacated.
41. There shall be no order as to costs.
42. The learned Trial Court is directed to proceed expeditiously with the trial in accordance with law, entirely uninfluenced by any incidental observations made herein, ensuring that all procedural rights and safeguards of the parties are strictly protected.
43. Case diary, be returned to the Learned Counsel for the State.
44. Let a copy of this judgment be transmitted down to the learned Chief Judicial Magistrate, Purba Bardhaman, for immediate compliance and necessary action.
45. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Uday Kumar, J.)