

16.06.2021

Item No.13
Ct.No.34
dc.

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

C.R.R. 547 of 2003
(Via Video Conference)

Smt. Maitreyi Roy
versus
State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of proceedings of Complaint Case No. C-2337 of 2000 under Sections 323 of the Indian Penal Code.

Mr. Abhra Mukherjee,
Mr. Souradeep Dutta ... For the Petitioner.

Mr. Bidyut Kumar Roy,
Mr. Ashok Das ... For the State.

Mr. Arnab Nandi ... For the Opposite Party No.2.

Mr. Mukherjee, learned advocate appearing for the petitioner challenges the proceedings arising out of Complaint Case No. C-2337 of 2000 under Section 323 of the Indian Penal Code which was pending before the learned Judicial Magistrate, 7th Court, Alipore.

Mr. Nandi, learned advocate appears on behalf of the opposite party no.2 and submits that he has instructions from the opposite party no.2 that the complaint case was dismissed by the learned court below in the year 2005.

Be that as it may, I have perused the petition of complaint which is the subject-matter of challenge before this Court. The learned advocate for the petitioner has drawn the attention of this Court to paragraph 6 of the petition of complaint.

I have gone into the details of the complaint as also the allegations made therein. The complaint speaks of dispute

between the petitioner and the opposite party no.2 with respect to a property in issue. According to the petitioner before this Court, she is the owner of the property and the opposite party no.2 is the trespasser. On the other hand, the learned advocate for the opposite party no.2 submits that the complainant happens to be a bonafide purchaser.

I find that the crux of the issue relates to a property in dispute which is more the subject matter of concern. The incident complained is of 14.07.2000. More than 21 years have passed since the occurrence and having considered the submissions made by the learned advocate for the opposite party no.2 that the complaint case is not pending before the learned Judicial Magistrate, 7th Court, Alipore as the same has been dismissed in the year 2005, I am of the view that no order need be passed on this revisional application. But by way of abundant precaution, I am of the view that as 21 years have passed in the meantime and no useful purpose would be served by continuance of the complaint case, if the complaint case is found to be pending before the learned Judicial Magistrate, 7th Court, Alipore (as anxiousness has been expressed by the learned advocate for the petitioner), the same would be deemed to be quashed.

With the aforesaid observations, CRR 547 of 2003 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)