HIGH COURT OF TRIPURA
AGARTALA

Crl. Petn. No.29/2019

Sri Manojit Majumdar and Anr.

…….. *Petitioner(s).*

Vs.

The State of Tripura and Anr.

…….. *Petitioner(s).*

For Petitioner(s) : Mrs. P Dhar, Advocate.
For Respondent(s) : Mr. S Debnath, Additional Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

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25/11/2020

Though served, no one appeared for the respondent No.1 original complainant. This petition is filed by the original accused. They seek quashing of complaint lodged by the respondent No.1 before the Chief Judicial Magistrate, Unakoti Judicial District, Kailashahar, registered as Case No. Misc.27/2017.

[2] The allegations made in the complaint broadly are as follows :

That the complainant accused No.2 are brothers. Accused No.1 is their cousin brother. Panna Lal Ghosh happens to be the maternal uncle of the complainant and the accused No.2. So much is not in dispute. In the

complaint it is alleged that one petrol pump, situated on Plot No.3193 Khatian No.182 of Pabiacherra, was operated by Panna Lal Ghosh and accused No.2 jointly. Panna Lal Ghosh died without making a will. His wife had predeceased him. The couple had no issues. The properties left behind by Panna Lal Ghosh would, therefore, devolve on his brothers, sisters etc. According to the complainant, on the petrol pump site there were some oil tankers parked. On 6th July 2017, the complainant was informed telephonically that such petrol tankers have been removed by unknown persons. The complainant was the owner of the land and the petrol tankers were kept under his custody. According to him, both the accused were involved in the said illegal activity. He, therefore, alleged that the accused had committed offence punishable under Section 397 read with Section 120B of the Indian Penal Code.

[3] Learned counsel for the petitioner submitted that the complaint originates out of multiple civil disputes between the family members. She submitted that their family controlled number of properties and businesses. However, there have been serious disputes between family members. Even the complaint refers to pending civil litigations. The complainant does not claim to be the owner of the tankers. In short, her contention is that a pure family dispute of civil nature is sought to be given the colour of criminal proceedings.

[4] I have heard learned Additional Public Prosecutor also.

[5] It clearly emerges that the complaint is lodged to twist civil disputes into criminal proceedings. Significantly, the complainant does not claim to be the owner of the tankers. In fact he admits that the petrol pump was operated by deceased Panna Lal Ghosh along with the accused No.2. The complaint also refers to number of civil proceedings which are pending before registering Courts. Allowing the complaint to proceed before the criminal Court would only result into unnecessary harassment and protraction of proceedings which do not have criminal aliment.

In the result, complaint dated 22nd November, 2017 is quashed. Petition is disposed of accordingly. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

Sukhendu