

30.09.2020

CRR 1143 of 2020
With
CRAN 1 of 2020 (Old No.CRAN 4611 of 2020)

Samiran Mandal
-Versus-
Jharna Mandal

For the petitioner: Mr. Syed Mosihar Rahaman.

The instant criminal is filed by the accused of Shyampur P.S Case No.56 of 2020 dated 13th February, 2020 under Section 341/323/354B/506 of the Indian Penal Code praying for quashing FIR and the charge-sheet being No.56 of 2020 dated 29th February, 2020.

It is pertinent to note here that upon filing of the charge-sheet GR Case No.354 of 2020 has been registered in the Court of the learned Additional Chief Judicial Magistrate, Uluberia in the district of Howrah. It is alleged by the petitioner that he is a Headmaster of local school. A long standing dispute over landed property is admittedly going on between the petitioner and the opposite party No.2. The opposite party No.2 made a written complain before the Officer-in-Charge Shyampur P.S against the petitioner alleging, inter alia, that on 13th February, 2020 at about 8.30 am while she was going to market alone, the accused/petitioner wrongfully restrained her and abused her with filthy language. When she protested the accused pounced on her, tor her wearing in apparel and outrage her modesty. He also snatched a sum of Rs.2000/- away from the possession of the defacto complainant/opposite party No.2.

On the basis of the said complain, police registered Shyampur P.S Case No.56 of 2020 and took up the case

for investigation. On completion of investigation police submitted charge-sheet against the petitioner under Section 341/323/354B/397/506 of the Indian Penal Code.

According to the petitioner the said complain contained a concocted false story. The petitioner filed Title Suit No.24 of 2012 before the learned Civil Judge (Junior Division) at Uluberia against the opposite party No.2. In the said suit an order of injunction is enforce in favour of the petitioner. In spite of such order of injunction, opposite party No.2 and her family members are disturbing the petitioner in various ways. The petitioner lodged written complain to the Officer-in-Charge Shyampur P.S on 24th January, 2020 but police did not take any action against the opposite party No.2 and her family members. On the contrary, on the basis of the FIR made by the opposite party No.2, police submitted charge-sheet within 16 days.

I have heard learned Advocate for the petitioner. On perusal of the FIR it is ascertained that specific allegation has been made against the petitioner by opposite part No.2 on the basis of which Shyampur P.S Case No.56 of 2020 was registered. Police submitted charge-sheet after investigation. I do not find any reason to entertain the instant revision for quashing criminal proceeding as the guideline laid down in **State of Haryana vs. Bhajanlal** reported in **AIR 1992 SC 604** do not apply in the instant case.

Thus I do not find any merit in the instant criminal revision and accordingly the revision is summarily dismissed.

(Bibek Chaudhuri, J.)