

06.10.2020

Sl. No. 15

Ct. No.05

Srimanta

**CRR /1389/2020
(Via Video Conference)**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 for quashing of proceedings in G.R. Case No. 2936 of 2019 arising out of Mandirbazar Police Station Case No. 339 of 2019 dated 15.12.2019 being charge-sheet No. 02 dated 06.01.2020 pending before the Court of the learned Additional Chief Judicial Magistrate at Diamond Harbour, South 24-Parganas under Sections 341/506 of the Indian Penal Code, 1860.

And

**In the matter of : Sahensa Gazi @ Shahensa Gazi
... Petitioner.**

Mr. Sahid Uddin Ahmed, Adv.

... for the petitioner.

This is an application under Section 482 of the Code of Criminal Procedure filed by the accused of G. R. Case No. 2936 of 2019 arising out of Mandirbazar Police Station Case No. 339 of 2019 dated 15th December, 2019 and charge-sheet no. 2 dated 06.01.2020 pending before the learned Additional Chief Judicial Magistrate at Diamond Harbour, South 24-Parganas.

It is ascertained from the submission made by the learned Advocate for the petitioner that opposite party no. 2 is the father-in-law of the petitioner. Previously, on the basis

of a complaint filed by the opposite party no. 2 a case under Sections 498A/406/304B/302/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act was registered. The investigation of the said case was culminated in filing of the charge-sheet against the petitioner and four others. Subsequently, the opposite party no. 2 lodged another complaint on 3rd November, 2019 alleging, inter alia, that on 21st October, 2019 at about 9.30 a.m., when he was proceeding towards Diamond Harbour Court from his house the present petitioner along with other persons wrongfully restrained him on the road, pushed him, abused him with filthy language and threatened him saying that he must have to withdraw the previous Sessions Case against the petitioner and would not leave any evidence against them failing which the de facto complainant would face dire consequence.

According to the petitioner, the said F.I.R. alleging an incident dated 21st October, 2019 is entirely concocted story only to embolden the case of the opposite party no. 2 to withdraw the earlier Sessions Case from Diamond Harbour to Alipore.

Admittedly, in the instant case charge-sheet has been submitted against the petitioner. It is the consistent view of the Hon'ble Supreme Court that in case where charge-sheet is submitted the High Court will exercise its power under

Section 483 of the Code of Criminal Procedure very sparingly. Whether an allegation made out in the F.I.R. is right or wrong, will be decided on the basis of the evidence adduced by the parties. This is not a ground for quashing a criminal proceeding. For the reasons stated above, I do not find any merit in the instant application. Accordingly, the instant revision is summarily dismissed.

There shall, however, be no order as to costs.

(Bibek Chaudhuri, J.)