

18.06.2021

Sl. No. 11
Mithun
Ct.No.42.

**IA No: CRAN/1/2018(Old No: CRAN/1034/2018),
CRAN/3/2019 (Old No: CRAN/1948/2019)
in
CRR/276/2018**

(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973. .

In the matter of: **Dutan @ Debal Roy & Anr.**

...petitioners

Mr. Aniket Mitra, Adv.

... for the petitioners.

Mr. Rana Mukherjee, A.P.P.,
Mrs.Sujata Das, Adv.

...for the State.

With

**IA No: CRAN/2033/2019
in
CRR/2408/2018**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973. .

In the matter of: **Subhamay Roy Chowdhury @ Raju & Anr.**
...petitioners

Mr. Aniket Mitra, Adv.

... for the petitioners.

Mr. Rana Mukherjee, A.P.P.,
Mrs.Sujata Das, Adv.

...for the State.

This is an application under Section 482 of the Code of Criminal Procedure filed by the petitioners praying for quashing of a proceeding being G.R. Case No.3968 of 2015 arising out of

Santragachi Police Station Case No.96/2015 dated 1st June, 2015 under Sections 447/323/427/506/34 of the Indian Penal Code.

It is submitted by the learned Advocate for the petitioners that the petitioners and the opposite party No.2 are the co-sharers in respect of an ancestral property. Practically, petitioner No.1 is the cousin brother of the opposite party No.2. A dispute between the parties are going on for long over respective shares in ancestral property. On 31st May, 2015, the father of the petitioner No.1 and the husband of petitioner No.2 filed a complaint against the opposite party No.2 alleging *inter alia* that on 31st May, 2015 at about 11:30 am, the opposite party and his men and agents assaulted them at their ancestral house. Upon the said complaint filed by the father of petitioner No.1, Santragachi Police Station Case No.97 of 2015 dated 01/06/2015 under Section 341/323/506/34 of the Indian Penal Code corresponding to G.R. Case No.3969 of 2015 was registered.

I have already recorded that the petitioners have filed the instant revision to quash further proceeding in G.R.Case No.3968 of 2015.

It is submitted by the learned Advocate for the petitioners that at the instance of the opposite party No.2, another criminal revision being CRR.2408 of 2018 was registered for quashing further proceeding of G.R.Case No.3969 of 2015.

It is submitted by Mr. Rana Mukherjee, learned P.P.-in-Charge that when both the parties have filed criminal cases on the self same incident, both the cases should be tried analogously and there is no reason to quash either of the proceedings at this stage when charge sheet have been filed, meaning thereby prima facie case has been established.

It is also submitted by the learned Advocate for the petitioners that the learned Magistrate has taken cognizance in G.R.Case No.3968 of 2015.

In view of such circumstances, the instant criminal revision is disposed of directing the learned Magistrate to dispose of both the case being G.R.Case No.3968 of 2015 and G.R.Case No.3969 of 2015. If any of the above cases is not pending in one and same Court, the learned Sessions Judge shall pass necessary order of transfer of the case to facilitate one and the same Court to dispose of both the cases arising out of same cause of action.

With the above order, the instant criminal revision is disposed of on contest, however, without costs.

With the disposal of the instant criminal revision, all the connected applications are disposed of accordingly.

(Bibek Chaudhuri, J.)