

25.08.2021
Item no.11
Ct. No.34
CHC

C.R.R. No.967 of 2012
(Via Video Conference)

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

AND

In the matter of:-

Subhadip Chatterjee
... petitioner

The subject-matter of the case relates to quashing of the proceedings under Section 497 of the Indian Penal Code. Learned Magistrate was pleased to issue process against the accused person.

Having regard to the settled position of law as has been enunciated by the Hon'ble Supreme Court in the case of **Joseph Shine vs. Union of India** reported in **(2018) 2 SCC 189**, wherein the said section has been struck down, I am of the view that further continuance of the proceedings is an abuse of the process of law and as such the same is liable to be quashed.

Accordingly, Case No. C-2665 of 2011 pending before the learned Judicial Magistrate, 5th Court, Alipore, is hereby quashed.

Pending application, if any, is consequently disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)