

CRR 413 of 2019

In the matter of: Papiya Bhattacharya

.... Petitioner.

- And -

In the matter of : An application under Section 482 read with
Section 401 of the Code of Criminal
Procedure.

Mr. Tapas Kumar Dey,
Mr. Ashis Kumar Dutta

... For the Petitioner.

Mr. Purnasish Bhuiyan,
Mr. Tarun Kumar Aich

... For the Opposite Party No.2.

The petitioner, in this case, has prayed for quashing of a charge sheet filed in connection Amherst Street Police Station Case No.113 of 2017 dated May 08, 2017, under Sections 341/323/506 of the Indian Penal Code pending before the learned Additional Chief Metropolitan Magistrate, 2nd Court, Calcutta.

It appears that the petitioner is the landlady of the premises in question and the opposite party no.2 is the daughter-in-law of the deceased tenant and there is a pending eviction suit between the parties.

The opposite party no.2 on May 8, 2017, before the relevant Police Station lodged an FIR alleging, *inter alia*, that on that day she found that the husband of the petitioner was opening the meter box installed by the CESC Ltd, at the relevant premises. She contacted the official of CESC Ltd, over the telephone who instructed her to take photographs of the incident. While she tried to take some photographs, the petitioner came down and abused her. The petitioner pushed her for which she suffered abrasion in the skin of her feet and also sustained an injury on her left neck. On the basis of the

FIR, the charge sheet was filed by the investigation agency under Sections 341/323/506 of the IPC upon the conclusion of the investigation.

The allegations in the FIR and the charge sheet are not inherently absurd. Upon filing the charge sheet, the learned Magistrate took cognizance and fixed date for recording the plea. I am not inclined to interfere with the proceeding at this stage in exercising inherent power under Section 482 of the Code of Criminal Procedure, 1973.

Accordingly, the revisional application being **CRR 413 of 2019** fails and is hereby dismissed. However, the learned Magistrate shall not be influenced by any of the observations made in this application. The petitioner will be at liberty to urge all points available to her before the learned Magistrate in accordance with law.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance with all the necessary formalities.

(Kausik Chanda, J.)