

09.11.2022

Court No.35
Item No. 11

d.g.

CRR 443 of 2016

**Naushad Ahmed @ Naushad Ali
Vs.
The State of West Bengal & Anr.**

Mr. Iqbal Hussain.

... for the petitioner

Mr. Soumah Bera.

... for the OP no. 2

Mr. Saryati Datta.

... for the State

The petitioner has been alleged of committing offence under Section 341/506 of the I.P.C., who challenges the entire proceedings in connection with Sankrail Police Station Case No. 326 of 2010 dated 5th July, 2010, corresponding to G.R. Case No. 2774 of 2010.

Petitioner's case in a nutshell is that in spite of purchase of the concerned plot of land comprised within Mouza- Argori, Dag no. 257 in the year 1980 and possessing over there continuously since then, his lawful possession and ownership was threatened by the complainants, on the basis of wrongful entry of their name in the Parcha of the concerned land.

Fact remains that the land has been transferred for more than once, though the Government record of right remained uncorrected and in the names of the opposite parties/complainants.

Against the petitioner the opposite parties have filed FIR on 13th January, 2016 alleging the offences against them that when as the owners of the property and their names being recorded in the Government Record of Right, they went to obtain possession of the concerned landed property, the petitioner has wrongfully restrained them and caused hurt etc.

According to the petitioner, all the allegations levelled against them in the FIR are only concocted, false and malicious. It is also submitted that the opposite parties while lodging the FIR against them falsely represented the facts.

It is further submitted that in a civil suit in the Court below, the petitioner has already obtained a decree as regards the title of the concerned property and the decree is now final.

Learned Advocate appearing on behalf of the State has submitted on the basis of the case diary that the charge sheet has been properly filed in this case, on the basis of the documents and materials collected during investigation. Learned Advocate appearing on behalf of the State rests the matter to the discretion of the Court.

The private opposite parties though represented had advanced no argument.

Considering the facts and circumstances of the case as discussed above, it appears that ingredients of offence as alleged against the petitioner under Sections 341/506 of the IPC is not at all available in this case against him.

On the contrary, the matter is basically civil in nature and the Civil Court has already decided as regards the title of the property.

Under such circumstances, I do not find any cogent reasons to proceed with the present criminal case any further. Hence, the revision case is legible to be allowed. The prayer of the petitioner for quashing the entire proceedings in connection with G.R. Case No. 2774 of 2010 be allowed.

Let the proceedings in G.R. Case No. 2774 of 2010 pursuant to charge-sheet filed in Sankrail Police Station Case No. 326 of 2010 be quashed and set aside.

Case diary be returned.

Parties are granted liberty to obtain server copy of this order, for any future reference, until certified copy of the same is obtained.

(Rai Chattopadhyay, J.)