

05.04.2022

Sl. No. 42

Srimanta

Ct.No.42

CRR/635/2021
[Assigned]
(Via Video Conference)

In Re : An application under Section **401** read with Section **482** of the Code of Criminal Procedure, 1973.

In the matter of : **Biplab Kumar Chowdhury.**

Mr. Kushal Kumar Mukherjee, Adv.

...for the petitioner.

Mr. Ranabir Roy Choudhury, Adv.,

Mr. Sandip Chakraborty, Adv.

...for the State.

This is an application under Section 401 read with Section 482 of the Code of Criminal Procedure filed by the petitioner who is one of the accused in Dum Dum Police Station Case No. 1069/2019 dated 28th November, 2019 under Sections 341/325/379/384/386/506/34 of the Indian Penal Code (IPC, in short).

In the instant application it is submitted by the petitioner that the opposite party no. 2 and his men, agents and representatives were grabbing some Government land illegally for the purpose of making construction. The petitioner, a socially spirited person, lodged a complaint against the opposite party no. 2 before the Inspector-in-Charge, Dum Dum Police Station for such unlawful and illegal act by the opposite party no. 2. He also instituted a writ petition against the concerned State Authorities and private opposite party no. 2 which was registered as WPA 8258/2020. However, out of retaliation the opposite party no. 2 filed a false complaint against the petitioner on the basis of which

aforementioned Dum Dum Police Station Case No. 1069/2019 was registered against the petitioner on 28th November, 2019.

According to the petitioner, the allegation made against the petitioner is out of and out false and the proceeding arising out of the said written complaint ought to be quashed.

Mr. Mukherjee, Learned Advocate for the petitioner submits to the tune of the averment made in the application.

Mr. Ranabir Roy Choudhury, learned Public Prosecutor-in-Charge, on the other hand, has produced the Case Diary. On perusal of which it is ascertained that charge-sheet has already been submitted against the petitioner in connection with the aforementioned Dum Dum Police Station Case No. 1069/2019. In the Trial Court the date is already fixed for supplying copy of the documents under Section 207 of the Code of Criminal Procedure to the petitioner.

In view of such circumstances, I do not find any ground to quash the FIR on the basis of which Dum Dum Police Station Case No. 1069/2019 is initiated.

Therefore, the instant revisional application is **dismissed** on contest, however, without cost.

It is made clear that this order will not disentitle the petitioner to make appropriate prayer for discharge before the Trial Court at the time of recording charge against the petitioner.

(**Bibek Chaudhuri, J.**)