

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 2251 of 2022

**Dinesh Shaw & Ors.
Vs.
The State of West Bengal & ANR.**

**For the petitioners : Mr. Samrat Choudhury, Adv.
Mr. Anit Dey, Adv.**

Heard on : 06.07.2022

Judgment On : 06.07.2022.

Bibek Chaudhuri, J.

The instant revision arises for quashing of charge sheet in connection with Naihati Police Station Case No.61 of 2022 dated 12th February, 2022. In respect of the above mentioned police case, police submitted charge-sheet on 27th March, 2022 under Sections 448/323/506/34 of the Indian Penal Code which is presently pending before the learned Judicial Magistrate, 3rd Court at Barrackpore.

It is ascertained from the submission made by the learned Advocate for the petitioners that over a piece of land a long-standing dispute was going on between the parties and the opposite party

No.2. The petitioners lodge a written complaint on 31st December, 2021 in respect of an incident that took place on 8th December, 2021 at about 4 p.m. The pith and substance of the said case is that the petitioners were assaulted by the opposite party No.2 and his family members. Subsequent to the incident of the said case, the opposite party No.2 lodged a written complaint after a lapse of about 3 months on 12th February, 2022 over the same incident on 8th December, 2021. It is submitted by the learned Advocate for the petitioners that the subsequent case filed by the opposite party No.2 is a false and concocted case based on a belated written complaint. He also refers to the charge-sheet filed in Naihati Police Station Case No.61 of 2022 where charge-sheeted witness No.4 and 5 were shown as independent witnesses. From their statement recorded under Section 161 of the Code of Criminal Procedure, no case against the petitioners appears to have been made out. Therefore, the petitioners have approached this Court for quashing of Naihati Police Station Case No.61 of 2022 and all the subsequent proceedings arising out the said police station case.

It is already recorded that the learned Advocate for the petitioners did not dispute that C.S.W.4 & 5 in their statement unequivocally stated that there was a quarrel between both the parties on 8th December, 2021 over a piece of land. In course of

quarrel, they were engaged in mutual fighting. There is case and counter case over the same incident. At this stage only because the FIR was filed at belated stage by the opposite party No.2, cannot be the ground to quash Naihati Police Station Case No.61 of 2022.

In such view of the matter, I do not find any merit in the revision and accordingly, the revision is summarily **dismissed**.

(Bibek Chaudhuri, J.)

Mithun De
A.R. (Ct)