

10.08.2022

Court No.40
Item No.35

CRR 1384 of 2013

Saswata

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

And

In the matter of : **Bhaskar Pal**

... petitioner

Mr. Debabrata Ray
Mr. Soumik Mondal

... For the petitioner

Mrs. Rituparna De Ghose

... For the State

The instant application is filed under Section 482 of the Code of Criminal Procedure, praying for quashing of the proceeding being ACGR 6129 of 2012 relating to Kasba PS case no. 196 of 2012 dated 15.05.2012 under Sections 354/448/506 of the Indian Penal Code pending before the ACJM, Alipore.

The opposite party no. 2 lodged a written complaint against the petitioner in Kasba Police station alleging outraging modesty by trespassing into her residence by the petitioner. A written complaint was registered as Kasba police station case no. 196 of 2012 dated 15.05.2012 under Sections 352/448/506 of the Indian penal Code.

The instant application aims at quashing the said prosecution.

Mr. Ray appearing for the petitioner submitted that the petitioner and the opposite party no. 1 had a long term affair, attributable and related to matrimonial discord of opposite party no. 2 and her husband. To substantiate this submission, Mr. Ray refers to the annexures filed along with the application. It is the submission of Mr. Ray that the allegations are without any substance, false and baseless which demand quashing of the prosecution.

Per contra, Ms. Ghoshe appearing on behalf of the State invited the attention of this Court to the Statement recorded under Section 161 of the Code of Criminal Procedure and submits that prima facie, there are incriminating elements against the present petitioner disclosing commission of an offence. She further submitted that trial is on progress which does not warrant quashing of the proceeding.

I have heard rival submissions.

Case diary is produced.

The statements of witnesses, prima facie, contain allegations against the present petitioner, disclosing commission of an offence. It is for the petitioner to lead evidence and to prove his innocence in the case. Prima facie, it is not a fit case, on the basis of available materials to quash the impugned proceeding.

Accordingly, the revisional application being CRR1384 of 2013 stands dismissed.

Case diary be returned.

(Sugato Majumdar, J.)