

20.04. 2022  
item No.3  
n.b.  
ct. no. 34

**CRR 1958 of 2016**

**Sangita Biswas(Sen) & Ors.  
Vs.  
Sumon Biswas**

Md. Shatarop Purokayastha,  
Mr. Sarbananda Sanyal  
.....for the petitioners

Mr. S. G. Mukherjee, P.P.,  
Mr. Arijit Ganguly,  
Ms. Debjani Sahu  
.....for the State

Mr. Jayanta Narayan Chatterjee,  
Ms. Nandini Chatterjee,  
Mr. Nazir Ahmed  
Ms. Jayashree Patra,  
Ms. Pritha Sinha  
.. for the opposite party no.2

The subject matter of challenge relates to Complaint Case No.C/560/2015 under Sections 323/ 427/ 506/ 34 of the Indian Penal Code.

The subject matter of disputes originates from matrimonial discord. The complainant alleged in respect of the incident and has categorically stated in paragraph 10 that Kulti Police Station was approached for furnishing necessary information, however, Kulti Police Station refused to entertain such complaint/information.

The records of the case reflects that the complainant is staying at Kulti within the jurisdiction of Learned Additional Chief

Judicial Magistrate, Asansol while the accused persons are staying at Katwa which is outside the jurisdiction of the concerned court.

Having regard to the nature of allegations, the relationship between the parties and the fact of the case that Kulti Police Station refused to entertain the complaint in respect of cognizable offences, I direct the Learned A.C.J.M., Asansol to conduct an enquiry under Section 202 of the Code of Criminal procedure prior to issuance of process. The earlier direction of issuance of process is set aside. The Learned Court would conduct an enquiry and thereafter arrive at its findings regarding the truthfulness of the allegations and decide whether process should be issued under Section 204 of the Code of Criminal Procedure or the complaint case should be dropped under Section 203 of the Code of Criminal Procedure.

With the above observations, CRR 1958 of 2016 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**( Tirthankar Ghosh, J.)**