

12.05.2022

Item No.11
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1780 of 2019

**Shoaib Hossain
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of proceedings being G.R. No. 2254 of 2014 pending before learned Additional Chief Judicial Magistrate, Sealdah arising out of Entally Police Station Case No. 277 of 2014 dated 30.06.2014 under Section 509 of the Indian Penal Code.

Mr. Krishnendu Bhattacharya,
Mr. Sourav Chatterjee,
Mr. Aniruddha Bhattacharya,
Mr. Priyankar Ganguly,
Ms. Shalini Bairagi ... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee ... For the State.

Md. Zeeshan Uddin,
Ms. Amrin Khatoon ... For the Opposite Party No.2.

This revisional application has been preferred challenging the proceedings arising out of Entally Police Station Case No. 277 of 2014 dated 30.06.2014 under Section 509 of the Indian Penal Code corresponding to G.R. No. 2254 of 2014.

The opposite party no.2 and the present petitioner who has been accused in connection with the said case at the instance of the opposite party no.2 are neighbours in a building. The disputes and differences cropped up and there are allegations of abuse hurled by the present petitioner against the opposite party no.2.

I find that the spirit of letter of complaint which was treated to be the first information report contains allegation of regular day-to-day activity which involves supply of water, keeping the area dirty and being adamant in continuing such illegal activities. The abuse, altercation arose out of basic necessities of life which relate to availability of water and cleanliness to be maintained at the locality. I also find that there are allegations of spitting at the door.

Having regard to the genesis of the dispute and the fact that the petitioner and the opposite party no.2 are neighbours, I am of the opinion that continuance of the proceedings under Section 509 of the Indian Penal Code is unwarranted in view of the supporting statements which have been relied upon by the prosecution.

Accordingly, I am of the opinion that on certain conditions, the proceedings may be quashed. Thus, the proceedings arising out of Entally Police Station Case No. 277 of 2014 dated 30.06.2014 under Section 509 of the Indian Penal Code corresponding to G.R. No. 2254 of 2014 are hereby quashed subject to the present petitioner furnishing a Good Behaviour Bond under the provisions of Section 111 of the Code of Criminal Procedure before the jurisdictional Executive Magistrate for a period of one year from date. Such bond should be furnished before the learned Executive Magistrate by 20.05.2022.

Accordingly, the revisional application being CRR 1780 of 2019 is allowed on the conditions mentioned hereinabove.

Interim order, if any, is hereby vacated.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)