

CRR 2908 of 2022

Sri Tapan Samanta
Vs.
The State of West Bengal & Ors.

Mr. Kajal Roy

...for the petitioner

This is an application under Section 482 of the Code of Criminal Procedure, where the petitioner has sought for quashing of proceeding, being Chandannagore Police Station case no. 3 of 2020 dated 11.1.2020 under Section 341/354/506 of the Indian Penal Code, being GR case no. 46 of 2020, presently pending before the court of learned Additional Chief Judicial Magistrate, Chandannagore.

The petitioner contended that the allegation leveled against the petitioner is absolutely bogus and has been filed to wreck vengeance. Petitioner herein contended that a dispute cropped up with the complainant concerning throwing garbage by the complainant herein in front of the house of the petitioner, which is adjacent to the house of complainant. Petitioner lodged a complaint against complainant before corporation and corporation by a notice dated 18.4.2019 passed necessary direction to the complainant herein for removal within 15 days.

Now the complainant herein who is a practicing advocate started harassing petitioner by initiating different proceedings. Petitioner further submits that alleged victim woman appears to be a fake set up person as no such incident took place and no

person in the name of victim appears to have exist as she never appeared before investigating authority with identity proof.

It is further submitted on behalf of petitioner herein that the allegation is absolutely harrasive in nature and has been lodged only to entangle petitioner herein in a false criminal case out of previous enmity.

He further submits that the opposite party no. 2 initiated proceedings under Section 144(2) and 107 of the Code, where police has submitted report, which clearly discloses that the opposite party no. 1, only to harass the petitioner, has lodged complaint against him one after another. He further submits that the continuance of the present proceeding any further, will be an abuse of the process of court, for which he has sought for quashing the aforesaid proceeding.

The petitioner is directed to serve a copy of the application upon all the opposite parties intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear on 28th August, 2024 under the heading "Contested Application".

The State is directed to produce the case diary on the next date.

Having considered the facts and circumstances of the case and the materials on record, it appears that petitioner has made out an arguable case which needs adjudication. Thus, the criminal proceeding being Chandannagore Police Station case no. 3 of 2020 dated 11.1.2020 under Section 341/354/506 of the Indian Penal Code being GR case no. 46 of 2020 presently pending before the court of learned Additional Chief Judicial

Magistrate, Chandannagore be stayed for a period of ten weeks or until further order, whichever is earlier.

(Ajoy Kumar Mukherjee, J.)