



Crl.O.P.No.9641 of 2016 & 24362 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.9641 of 2016, 23007 & 24362 of 2018

and

Crl.M.P.Nos.12849, 12850 & 13812 of 2018

Crl.OP.No.9641 of 2016

Shri Amit Kumar Biswas, Aged about 56 years,
Son of (Late) Adhir Kumar Biswas, Resident of A4,
Abhinab Garden, 34, Velacherry Road,
Little Mount, Saidapet, Chennai 600 015.

... Petitioner

Vs.

Dr.Deboshish Roy,
Son of D.N.Roy, 59,
Thirumalai Pillai Road,
T.Nagar, Chennai 600 017.

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in and connected with C.C.No.529 of 2016 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai on the file of the Respondent and quash the same.



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Crl.OP.No.24362 of 2018

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1.Shri Dipankar Basu,
Arthick Apartments,
D15, No.46, Vijayaraghavan Road,
Chennai 600 017.

2.Kajal Chandra,
No.21, Radhakrishnan Street,
Chennai 600 017.

... Petitioners

Vs.

Dr.Deboshish Roy,
S/o D.N.Roy,
59, Thirumalai Pillai Road,
T.Nagar, Chennai 600 017.

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in and connected with C.C.No.529 of 2016 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai on the file of the Respondent and quash the same.

Crl.OP.No.23007 of 2018

1.Shri Arun Kumar Das,
Radhakrishna Nivas,
New No.94, South West Boag Road,
Chennai.

2.Shri Saibal Nandy
E.P.I.Ltd.,

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No.92, G.N.Chetty Road, 3rd Floor,
Chennai 600 017.

3.Shri Sanjay Banerjee,
Flat.4/12, Block – 4, Home Finders Estate,
Ramapuram, Chennai 600 089.

4.Shri Surajit Pal,
No.1/11, Homefinders Estate,
Ramapuram, Chennai 600 089.

... Petitioner

Vs.

Dr.Deboshish Roy,
S/o D.N.Roy,
59, Thirumalai Pillai Road,
T.Nagar, Chennai 600 017.

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in and connected with C.C.No.529 of 2016 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai on the file of the Respondent and quash the same.

For Petitioner : Mr.B.Satish Sundar
in all cases

For Respondents : Mr.R.Vijayaraghavan
in all cases

COMMON ORDER

These Petitions have been filed to call for the records in



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C.C.No.529 of 2016 on the file of the learned XVIII Metropolitan

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Magistrate, Saidapet, Chennai and quash the same.

2.The Petitioners, who are accused in C.C.No.529 of 2016, facing trial for the offences under Section 294 (b) & 500 IPC, pending on the file of the XVIII Metropolitan Magistrate, Chennai, filed these Petitions.

3.All the accused in C.C.No.529 of 2016, except A4, who has gone to Durgapur to beside his father, who is seriously ill and A7 dead, all others are present before this Court, today.

4.The gist of the complaint is that the Respondent was a Chairman of the Bengal Association Trust, which was started in the year 1929. The object of the said Association is to provide suitable temporary accommodations for pilgrims and other visitors to Madras and to provide for the members, who shall be Bengalees without distinction of cast, creed or sex. The Association was formed in the year 1969, under a Deed of Trust and was registered vide Doc. No.3965/1969. The trust was functioning by



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the elected members and the tenure of the office bearers is for a period of five years. Till 2014, the trust was running smoothly and during the the Annual General Body Meeting, which was held on 21.06.2015, there was some difference of opinion between the members of the Association. There was some commotion, exchange of hard words and at that time, some of the trust members viz., accused herein, uttered abusive and derogative words in the public view, thereby, putting in shame the Respondent/President in front of others. Hence, he has filed the complaint.

5.Now it is submitted that the dispute between the Petitioners and the Respondent had been resolved. All are Bengalees, members of same association, working for a common cause. At the intervention of the elders, family members and association members, the issue got resolved. After 2015, they are participating together in the Association's activities. They also filed an affidavit in support of the compromise. On the compromise arrived between the parties, the Respondent is willing to withdraw the complaint.



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6.Recording the above said submissions, C.C.No.529 of 2016, pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai is quashed and accordingly, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

16.11.2022

Internet : Yes/No

Index : Yes/No

Speaking Order/Non-Speaking Order

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To

1.The learned XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Public Prosecutor,
High Court, Madras



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M.NIRMAL KUMAR, J.

sai

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