

07.02.2023

Ct. 30
Sd./4

CRR 388 of 2019
With
CRAN 1141 of 2020

Mr. Sekhar Kumar Basu, Sr. Advocate.
Ms. Shyanti Poddar ..For the petitioner.

Mr. Saibal Bapuli
Mr. Arani Bhattacharrya ..For the State.

This revisional application has been preferred praying for quashing of proceedings being Entally Police Station Case No. 292 of 2018 dated September 3, 2018 under sections 420, 406, 120B, 504 & 506(ii) IPC, 1860 and section 2 of the Real Estate (Regulation and Development) Act, 2016 (corresponding to GR Case No. 2289 of 2018), pending before the Learned Additional Chief Judicial Magistrate, Sealdah).

Mr. Sekhar Kumar Basu, learned senior counsel appearing for the petitioner has submitted that the dispute between the parties is related to a flat and its common areas and facilities along with car parking space and terrace which has been locked by the petitioner who has also encroached upon the common area on the fourth floor, stair case and also the other common areas of the building with the support of the co-accused developers. The Entally P.S. Case No.292 of 2018 was initiated on the basis of a petition under section 156(3) Cr.P.C.

Mr. Saibal Bapuli appearing for the State has placed a report submitted by the Officer-in-charge of Entally Police Station, Kolkata in the present case.

It has been categorically stated in the report that the main dispute between the parties is related to using of common passage and the terrace of the apartment which is purely CIVIL IN NATURE, and as such, Entally Police Station Case being 292 of 2018 has ended in a final report which has been submitted before the learned ACJM, Sealdah praying for discharge of the accused persons/petitioners.

In view of the said facts and the materials on record, the present revision has now become infructuous and is accordingly, disposed of.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the learned trial court for information and compliance.

Urgent photostatic certified copy of this copy of this order, if applied for, shall be made available to the parties.

(Shampa Dutt (Paul), J.)