

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 782 of 2022

**Narendra Nath Patra and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Pritam Mukherjee
Ms. Abantika Gorai
..for the petitioners

Item No.04

Heard & Judgment on: 19.04.2023

Bibek Chaudhuri, J.

Both the petitioners and the opposite parties are neighbours. They have their adjacent plots of land. It is alleged by the petitioner that on 1st August, 2021 they were digging their own land without putting any lateral support upto the depth of approximately 25 feet. In the absence of such lateral support the boundary wall of the

petitioner got damaged. Over the said issue an altercation took place between the parties. Subsequently, on 4th August, 2021 the petitioners reported the incident to the local P.S. vide G.D. Entry No.184 of 2021. Subsequently, they filed a complaint case under Sections 427/500/506 of the Indian Penal Code against the opposite parties. On retaliation the opposite parties filed another case over the self-same issue which was registered as C.R. Case No. 405 of 2021. In both the cases the learned Magistrate took cognizance and issued process. Now, the petitioners have approached this Court to quash the complaint case filed by the opposite parties before the same Court.

I have heard the learned advocate for the petitioners. When on self-same incident both the parties filed complaint cases alleging commission of offence against each other, it is not possible for the revisional Court to take a decision to the effect that the allegation made by the petitioners are true and the allegations made by the opposite parties are false and liable to be quashed. Proper course should be to direct the learned Magistrate to tag both the cases for hearing simultaneously.

In view of my above finding, C.R. Case No.376 of 2021 and C.R. Case No. 405 of 2021 be tagged together and be heard by the learned

Magistrate expeditiously and both the cases may be disposed of at an early date.

With the above order the instant revision is disposed of.

(Bibek Chaudhuri, J.)