

D/L21
20.03.2023
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C.R.R.1017 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure;

Smt Tapashi Das
Versus
The State of West Bengal and another

Mr. Dipanjan Chatterjee,
Ms. Sananda Bhattacharyya.
...for the petitioner.

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

Pursuant to the order dated 14.03.2023, Mr. Bitasok Banerjee, learned advocate appearing for the State has submitted a report. Let the report be kept with the record.

Report reflects that the concerned Officer-in-Charge, New Market Police Station submitted an enquiry report before the learned Chief Metropolitan Magistrate, Calcutta on 15th December, 2020. Report also reflects that the applicant of the application under Section 156(3) of the Code of Criminal Procedure is not appearing on and from 15th December, 2020 till 15th September, 2022. More than eight dates have been fixed by the learned CMM, Calcutta during the said period.

Having considered the subject matter of the case and the reluctance of the applicant/opposite party no.2, I am of the opinion that the opposite party no.2 is intentionally and purposely delaying the proceedings after half-heartedly setting the motion of law before

the learned CMM, Calcutta.

The approach of the applicant/opposite party no.2 is not encouraging as he is ignoring the Court proceedings for more than two years. Till date no FIR has been registered or there is a direction for registration of any FIR. The merits of the case relate to settlement of claims. As such the further continuance of the proceeding based on the delay as well as the merits is unwarranted.

Thus all further proceedings before the learned CMM, Calcutta being C/92/2020 is hereby quashed.

Accordingly, CRR 1017 of 2021 is allowed.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)