

01.08.2023

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CRR 1547 of 2011
With
CRAN 4/2012 (Old No. CRAN 1617 of 2012)

In the matter of : Raja Dey & Anr.

.... for the petitioners.

Ms. Subhasree Patel
Ms. Saini Das

.... for the State.

The instant revisional application has been filed for quashing of the proceedings in Case No. C-6977/2009 arising out of T.R. No. 642 of 2009 pending before the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas under Section 430/34 of the Indian Penal Code and the order dated 28.10.2005 and 04.11.2009 passed by the aforesaid Court. The relationship between the parties is that of a landlady and the tenant. The mother of the petitioners was the absolute owner of the premises which was given on rent to the opposite party No.2. Thereafter due to default in payment of rent, certain disputes arose for which civil suit being Title Suit No. 3562 of 2009 is pending before the competent court of civil jurisdiction.

The learned advocate for the petitioners has submitted a copy of the death certificate of the opposite party No.2 and copy of the order No. 77 dated 24.03.2023 passed in the Title Suit No. 3562 of 2009, whereby the sons of the opposite party

No. 2 prayed for substitution in the event of the death of their father to contest the aforesaid title suit.

The materials on record as well as the pendency of the civil suit denote the nature of the dispute to be beyond the jurisdiction of the criminal court being civil in nature.

In view of the facts and circumstances of the case, the proceedings in Case No. C-6977/2009 (T.R. No. 642/2009) pending before the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas is quashed.

Accordingly, criminal revisional application being CRR 1547 of 2011 stands allowed.

Accordingly, connected application being CRAN 4/2012 (Old No. CRAN 1617 of 2012) is also disposed of.

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

(Ananya Bandyopadhyay, J.)