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32

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CRR 1486 of 2012

In the matter of : Manoj Kumar Modi & Anr.
.... petitioners.

None appears for the parties.

Perused the petition under Section 482 of the Cr. P.C. praying for quashing of the proceeding of Case No. C-295 of 2011 arising out of T.R No. 1313 of 2011 under Sections 406/420/120B of the Indian Penal Code pending before the Court of learned Metropolitan Magistrate, 8th Court, Calcutta. A coordinate Bench of this Court passed an order dated 31st January, 2011 explaining the role played by India Mart.

The dispute between the parties concerned, partition of a landed property which is a civil in nature with the Civil Suit pending before the Court of appropriate jurisdiction. Under such circumstances, if the proceedings before the learned trial court is allowed to continue will result in the abuse of process of law.

Accordingly, the instant revisional application is allowed.

The proceedings being Case No. C-295 of 2011 (T.R 1313 of 2011) under Sections 406/420/120B of the Indian Penal Code pending before the Court of the learned Metropolitan Magistrate, 8th Court, Calcutta is accordingly quashed.

Copy of the order be sent to the Department as well as trial court for due compliance.

(Ananya Bandyopadhyay, J.)