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C.R.R.2592 of 2023

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

Sri Nirmalya Acharya
Versus
The State of West Bengal and others

Mr. Saurabh Guha Thakurata
Mr. Pravas Bhattacharya
Ms. Nilanjana Sarkar.
...for the petitioner.

The present revisional application has been preferred challenging the proceedings of A.C. No.2266 of 2012 under Section 12 and 23 of the Protection of Women from Domestic Violence Act, 2005 which is pending before the learned Judicial Magistrate, 3rd Court, Alipore, South 24 Parganas.

Learned advocate submits that a mutual divorce application was filed before the jurisdictional court and thereafter the lady received the part of the amount which was settled between the parties and then stopped appearing and/or participating in the proceedings before the civil court or any other forum. The present case is still pending.

Having considered the issues so canvassed, I am of the view that the present case do not make out a cause of action for invoking the powers under Section 482 of the Code of Criminal Procedure. If the parties intend to resolve their disputes, an application must be placed before the jurisdictional court in *seisin* of the matter. If there are other disputes, petitioner would be at

liberty to approach the appeal court being the learned sessions court under Section 29 of the PWDV Act, 2005.

With the aforesaid observations, CRR 2592 of 2023 is disposed of.

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.)