

Form J(1)

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

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

C.R.R. 4010 of 2022

***Talukdar Sk & Anr.
Vs.
The State of West Bengal & Anr.***

For the petitioners : Ms. Ameena Kabir, Adv.

Heard on : 12.04.2023.

Judgment On : 12.04.2023.

Bibek Chaudhuri, J.

In relation to a dispute between two neighbours, both the parties lodged complaint on the basis of which a case and counter case were registered. The petitioners have prayed for quashing of the FIR lodged by one Surman Sk, opposite party No.2.

Indisputably charge-sheet has been submitted against the petitioners . It is to be looked into at the time of trial whether any such incident took place or not where the accused persons/petitioners were allegedly involved in assaulting the brother of the opposite party No.2.

However, it is submitted by the learned Advocate for the petitioners that though there is no grievous hurt sustained by the

brother of the opposite party No.2, charge-sheet has been submitted under Section 325 of Indian Penal Code.

The instant revision is disposed of directing the learned Magistrate to consider at the time of consideration of charge on the basis of the statement adduced by the witnesses and the medical report to come to a conclusion as to whether there is any material to frame charge against the petitioners under Section 325 of the Indian Penal Code.

Upon such consideration, charge shall be framed against them.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.21..
D/L.***