

21.12.2023

Item No.39
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4883 of 2023

In the matter of : **Sri Arpan Mazumdar** ... Petitioner.

Mr. Sanjay Chakraborty,
Ms. Kakali Dutta ... For the Petitioner.

Learned advocate appearing for the petitioner prays for quashing of the proceedings being Misc. Case No. 456 of 2022 dated 05.12.2022 under Section 125 of the Code of Criminal Procedure which is pending before the learned Judicial Magistrate, 4th Court, Chinsurah, Hooghly.

It has been pointed out on behalf of the petitioner that the husband/petitioner preferred a case before the civil court for declaration regarding nullity of marriage. The said suit is proceeding. The lady/opposite party no.2 has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act which is pending before the learned Judicial Magistrate, 5th Court, Chinsurah, Hooghly. Subsequently again the present case has been preferred and the learned Chief Judicial Magistrate, Hooghly was pleased to transfer the case under Section 125 of the Code of Criminal Procedure to the learned Judicial Magistrate, 4th Court, Chinsurah, Hooghly. So far as the prayer for quashing is concerned, the issues so canvassed relate to question of facts as the main thrust is on suppression.

The petitioner would be at liberty to canvass such issues at the appropriate stage of the proceedings before the learned trial court. However, as I find that a proceeding under

Section 12 of the Protection of Women from Domestic Violence Act being M.C. Case No. 154 of 2022 is pending between the selfsame parties before the learned Judicial Magistrate, 5th Court, Chinsurah, Hooghly, the present proceedings being Misc. Case No. 456 of 2022 be transferred from the court of the learned Judicial Magistrate, 4th Court, Chinsurah, Hooghly to the learned Judicial Magistrate, 5th Court, Chinsurah, Hooghly so that there is no conflict of decisions or findings arrived at by the court.

With the aforesaid observations, the revisional application being CRR 4883 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)