

CRR 4189 of 2012

In the matter of : Dibeyendu Banerjee & Ors.

Mr. N. P. Agarwala

Mr. Pratick Bose

... for the State

None is appearing on behalf of the petitioner.

Mr. Bose, learned counsel appearing on behalf of the State submits that Mr. Suprakas Misra, learned counsel appearing on behalf of the petitioners is unwilling to appear before this Court as he has no instruction. The matter is pending for more than ten years. Therefore, I propose to dispose of the matter on merit after considering the materials made available with the record.

This petition under consideration challenges the proceeding being Complaint Case No. 26/12 pending before the learned Additional Chief Judicial Magistrate, Baruipore under Sections 147/447/427/379 of the Indian Penal Code filed by the opposite party no. 2 Smt. Uma Chatterjee. In the petition it is contended that over the dispute of a property a Title Suit being T.S. 173 of 2008 is pending before the learned Civil Judge (Senior Division) at Baruipore, 24 Parganas (South) at the instance of Brajagopal Chatterjee, who happens to be the husband of Opposite Party No.2.

Upon perusal of record, I find that after taking cognizance learned Additional Chief Judicial Magistrate was pleased to issue process. The accused persons surrendered to the jurisdiction of the learned Additional Chief Judicial Magistrate, Baruipur and they have been admitted on bail. It is contended that the averment

made in the petition of complaint is far from being correct. Minor daughters of the petitioners have been arraigned as accused. Therefore, the proceeding should be quashed. Since no order of stay was granted and the petition was never moved since filing of the same it can be presumed that the criminal proceeding has travelled a considerable distance.

Under such circumstances, I do not consider it a fit case to invoke the provision of Section 482 of Code of Criminal Procedure. The revisional application is dismissed without any order as to costs.

The interim order, if any, stands vacated.

Let a copy of the order sheet be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)