

18.11.2024
Item No. 23
Ct. No. 30

CRR 21 of 2023

Shubhro Michael Gomes

Vs.

The State of West Bengal & Anr.

Mr. Soumyajit Chatterjee
... for the Petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly
...for the State

Mr. Karan Dudhwala

... for the Opposite Party No. 2

1. The present revision has been preferred praying for quashing of the proceeding being GR No.909/2020 arising out of Bidhannagar (South) Police Station Case No.175/2020 dated 23.12.2020 under Sections 378/406/408/409/417/418/420 of Indian Penal Code, 1860, which culminated to Bidhannagar (South Police Station Charge Sheet No.134 of 2022 dated 31.07.2022 under Sections 420/406/408/417/418 of the Indian Penal Code, presently pending before the court of the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas.
2. Affidavit of service and supplementary affidavit filed be kept with the record.
3. It appears from the supplementary affidavit filed that the case of the petitioner is that the matter has been amicably settled between the parties and the complainant

has filed an affidavit to that effect which is part of the supplementary affidavit.

4. Learned counsel for the petitioner has also relied upon the judgment of the Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agrawal & Ors., (2005) 3 SCC 299.***
5. During pendency of the proceeding, it appears that the charge sheet has been submitted. Learned counsel for the opposite part no.2 is also present. Considering the material on record and the documents relied upon by the learned counsel for the petitioner, learned counsel for the opposite party no.2 submits that the complainant/opposite party is not in touch with him.
6. Considering the fact that the initial complaint is pending before the trial court and admittedly no prayer for discharge has been made before the learned Magistrate by the petitioner herein, **the criminal revision is disposed of** with the direction that the petitioner shall be at liberty to approach the trial court with a prayer for discharge and also rely upon all the documents relied upon before this court and the learned Magistrate shall dispose of the prayer for discharge on hearing the parties available and dispose of the complaint case in accordance with law.
7. **CRR 21 of 2023 is disposed of.**
8. All connected applications, if any, stands disposed of.
9. Interim order, if any, stands vacated.

- 10.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 11.** Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)