

13.02.2024

Item No.28
Ct.No.34
dc.

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

C.R.R. 483 of 2024

In the matter of : **Abbus Mallick & Ors.** ... Petitioners.

Mr. Subhadeep Ghosh ... For the Petitioners.

Petitioners have prayed for quashing of the proceedings in respect of Garbeta Police Station Case No. 806 of 2022 dated 22.12.2022 wherein the investigating agency on conclusion of investigation submitted charge-sheet under Sections 447/323/354/34 of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that the background of the case relates to civil disputes arising out of property and the petitioners have been falsely implicated in connection with the instant case although they happen to be relations.

I have considered the submissions of the learned advocate appearing for the petitioners as well as the statement recorded under Section 161 of the Code of Criminal Procedure. Having considered the stage at which the petitioners approached this Court and the documents so relied upon particularly those relating to civil proceedings and the medical documents, I am of the view that the petitioners be granted liberty to first canvass all the issues at the stage of Section 239 of the Code of Criminal Procedure before the jurisdictional trial court. The jurisdictional trial court will dispose of any application, if filed, under Section 239 of the

Code of Criminal Procedure independently without being influenced by any observations made by this Court.

With the aforesaid observations, the revisional application being CRR 483 of 2024 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.)