

10.09.2024

**WPA 7681 of 2024
With
CAN 1 of 2024**

**Sri Srikrishna Das
Vs.
State of West Bengal & Ors.**

Mr. Ajay Debnath
Mr. Prodip Kar
Ms. Jiya Bose.

... ... for the petitioner

Mr. Pannalal Bandyopadhyay
Mr. Suman Singh

... ... for the State

Learned counsel appearing for the petitioner submits that the petitioner is contesting the prosecution case regarding a matrimonial issue with his wife since 2012. He is yet to get proper justice from the administrative department, in spite of having justified documents in his favour as the administrative department is not paying any heed regarding his case. The petitioner has written various letters to the administrative department, such as the police higher authorities since 2012, but no fruitful outcome has resulted from such complaints and therefore, the petitioner prays for quashing of the Nodakhali Police Station Case No. 443 of 2012 corresponding Charge Sheet No. 498 of 2021 dated 24.12.2012 under Section 376 of the Indian Penal Code.

Learned counsel further submits that it has been time and again held by the Apex Court as well as the

High Courts and most recently in **Shikher Bahadari Vs. State of Uttar Pradesh and Ors.** reported in **AIR Online 219 ALL 2866** that *“The extraordinary power under Article 226 of the Constitution or inherent powers under Section 482 Cr. P.C. could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”*

Learned counsel appearing for the State submits that in relation to the abovementioned case, charges have already been framed and evidences are being perused by the Trial Court.

Report filed by the State is taken on record.

Heard learned counsels for the parties.

In the present case, as the matter is in session with the appropriate Court and charges are already been framed, this Writ Court does not wish to interfere with Nodakhali Police Station Case No. 443 of 2012 corresponding Charge Sheet No. 498 of 2021 dated 24.12.2012 under Section 376 of the Indian Penal Code.

The writ petition being WPA 7681 of 2024 is dismissed. Connected application being CAN 1 of 2024 is also dismissed.

There shall be not order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)