

02.04.2024

Sl. No.: 21

Court No.30
BM

CRR 2242 of 2019

**Priyanka Ghosh & Ors.
Vs.
State of West Bengal & Anr.**

For the Petitioners : Mr. Angshuman Chakraborty.

For the State : Mr. Bitasok Banerjee.

For the Opposite Party : None.

1. The present criminal revisional application has been preferred praying for quashing of proceeding being G.R No.116/2019 arising out of Bidhannagar (North) Police Station Case No.24/2019 dated 13.02.2019 under Sections 447/324/325/506/34 of the Indian Penal Code now pending before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas.
2. The petition of complaint filed by the opposite party no.2 who has not appeared before this court in spite of due service contains the following allegations:-

*“That when the complainant requested his brother namely one Dibyendu Kumar Ghosh to remove the electric wiring of the air conditioner, then his brother namely Dibyendu Kumar Ghosh and wife, daughter and son jointly trespassed into the shop room of the complainant situated at the ground floor and **abused him in filthy languages and pounced upon the complainant and started assaulting him with iron rod and wooden battam which was lying on the floor, the accused persons also kicked the complainant and pushed him from the back. The brother of the complainant and his family members assaulted mercilessly and the complainant received severe blood injuries on his person.** At the hue and cry of the complainant his son has reached the spot and rescued him.”*

3. The State has placed the case diary.
4. Learned counsel for the petitioners has relied upon the judgments of a Co-ordinate Bench of this court passed in CRR 797 of 2016, CRR 3814 of 2016 and CRR 799 of 2016.
5. It is submitted by the learned counsel for the petitioners that the present revision has been preferred relating to the same dispute between the parties.
6. It is further submitted that as the dispute relates to a long standing family property dispute the said proceedings were quashed by the learned Co-ordinate Bench.
7. On perusal of the said judgments, it appears that the materials before the Co-ordinate Bench is not similar to the material in the case diary before this Court.
8. **The case diary before this court contains several statements supporting the contents in the written complaint and more specifically the injury report at page 32 of the case diary, wherein it appears that the complainant was allegedly assaulted by the petitioners herein and the history given to the Doctor at the time of medical examination corroborates the content in the written complaint.**
9. The Doctor who examined the complainant has noted the following injuries:-
 - i) fresh abrasion on (LT) elbow.
 - ii) swelling of (lt) ring finger.
 - iii) nail injury(broken).
 - iv) fracture of the little finger.

Though pain on the back has been stated, the Doctor did not find any external injury on the back and the patient was advised for x-ray.

10. Considering the said medical report and other materials in the case diary, this court finds that there are ingredients in the case diary which prima facie makes out a case for the offence alleged in the First Information Report and the present proceeding is to be permitted to go to trial and any interference at this stage shall be an abuse of process of law/court.
11. **The revisional application being CRR 2242 of 2019 is dismissed.**
12. All applications, if any, connected thereto stand disposed of.
13. Interim order, if any, stands vacated.
14. Let a copy of this order be sent to the learned trial court for expeditious disposal of the case.

(Shampa Dutt (Paul), J.)