

CRR 3170 of 2022

Shantanu Rana
Vs.
State of West Bengal & Anr.

Mr. Dipankar Guha	...for the petitioner
Ms. Sananda Bhattacharya	...for the O.P. no. 2
Mr. Debasish Roy, Ld. PP	
Mr. Imran Ali	
Ms. Debjani Sahu	...for the State

This is an application wherein the petitioner has sought for quashing of the proceeding being GR case no. 1697 of 2022 presently pending before the learned Judicial Magistrate, Amta, being Amta Police Station case no. 236 of 2022 dated 16th July, 2022.

The main allegation made by the petitioner herein is that the opposite party no. 2 has filed several cases one after another in order to harass the present petitioner. It is further contended that she initially filed a case being Amta police Station case no. 106 of 2020 dated 21st March, 2020 under Section 498A/34 of the Indian Penal Code. Thereafter, she again filed one complaint case which was subsequently withdrawn and then she had filed the present proceeding being Amta Police Station case no. 236 of 2022 dated 16.7.2022 with almost same allegation.

In such view of the matter, the petitioner contended that the present second proceeding, initiated by the opposite party no. 2 herein is harassive and is liable to be quashed, because on the

basis of self-same allegation and self-same cause of action there can not be two separate proceedings.

Learned counsel for the opposite party no. 2 as well as learned counsel for the State submit that the cause of action of both the cases are separate and distinct. They further submitted that the investigation of the present proceeding being Amta Police Station case no. 236 of 2022 dated 16.7.2022 has already been culminated into a charge-sheet under section 498A/325/406/506 34 I.P.C and as such it would not be proper to quash the proceeding at this stage.

It is further submitted allegation leveled in the present F.I.R is that the accused persons in conspiracy with each other are creating pressure upon the defacto-complainant/opposite party no. 2 for the withdrawal of the earlier criminal proceeding being Amta Police Station case no. 106 of 2020 dated 21.3.2020 and thereby coerced to do something which she is not legally entitled to do. Moreover it is a case of recurrent cause of action in connection with the offence under section 498A IPC. Further contention of the opposite parties is that as per final report in the form of charge sheet, it appears that other cognizable offence have also been prima facie established against the present petitioner.

In earlier case charge sheet submitted under section 498A/34 I.P.C but in the present proceeding charge sheet has been submitted under section 498A/325/406/506/34 I.P.C after completion of investigation and as such it cannot be said that on the basis of self-same allegation, the defacto-complainant has lodged two police cases and for which the second proceeding is liable to be quashed. In such circumstances, I do not find any

reason to quash the present proceeding, when investigation in the present case has been culminated into a charge sheet alleging prima facie establishment of other cognizable offences.

Accordingly, CRR 3170 of 2022 stands dismissed.

However it is made clear that this court has not gone into merits of the allegation and court below will not be influenced by any observation made herein at any stage of the proceeding.

Photostat certified copy of the order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)