

13.05.2024
Serial no.30
Aloke
Ct. No. 30

CRR 3569 of 2022

**Manas Koibartta & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Arindam Jana
Mr. Akashdeep Mukherjee
Mr. Nimesh Bhattacharyay
... for the petitioners

The present revisional application has been preferred praying for quashing of the proceedings of Misc. Case No. 37 of 2021 under Sections 12/18/19/20/22/23 of the Protection of Women from the Domestic Violence Act, 2005, pending before the Court of the learned Additional Chief Judicial Magistrate, Arambagh.

Considering that the proceeding, challenged herein, being a beneficial proceeding, the present revisional application is disposed of with liberty being granted to the petitioners to agitate all the points taken in the petition herein challenging the proceeding under the Domestic Violence Act before the trial Court and the trial Court shall decide on the point of maintainability within a period of three months from the date of communication of this order with notice to the opposite party and on hearing both sides, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the learned Magistrate shall take an independent decision in this case without being influenced by the order of this Court.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)