

Sl.No.
389 09.12.2024
Court
No. 35
G.S.Das

WPA 24551 of 2023

Syed Salehin Aksar
-Vs-
The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty
Mr. Vivek Kumar Pandey
Mr. Gopal Krishna Sarkar
Mr. Ashok Halder
... for the petitioner(s)

Mr. Suman Sengupta, Id. Sr.Govt. Adv.
Mr. Sanatan Panja
... for the State-respondent(s)

Learned advocate for the petitioner submits that pursuant to the civil case being initiated at the behest of the present petitioner, the private respondents initiated Kashipur P.S. Case No. 139 of 2023 dated 05.04.2023.

The said case ended in a charge-sheet, subsequently, another case being Kashipur P.S. Case No. 244 of 2023 dated 02.06.2023 was registered for investigation and the same has also

culminated into a charge-sheet.

Learned advocate appearing for the State has submitted a report.

The emphasis of the petitioner is that the criminal case which has been instituted are false cases and the same are pursuant to the initiation of the civil case.

The petitioner has prayed for quashing of the FIR of Kashipur P.S. Case No. 244 of 2023 dated 02.06.2023.

I find that charge-sheet has been submitted in connection with Kashipur P.S. Case No. 244 of 2023 incorporating Section 325 of the IPC.

Prima facie, it reflects that injuries were involved. The genesis of the civil case do not empower the party to a proceeding to take the law in his/their own hand(s). The truth and/or falsity of

the accusations is question of fact which is to be taken into consideration at the time of trial, even at the stage of consideration of charges also the learned Magistrate or any of the parties to the litigation are not empowered to assess regarding the truth and/or falsity of the accusations.

Be that as it may, having considered that none of the documents have been enclosed along with the writ petition, particularly, those relied upon by the police authorities in arriving at their findings regarding the injuries suffered and the illegal act and action of the petitioner, I am of the opinion that the petitioner has failed to make out any case for interference so far as the prayer regarding the quashing of the proceedings of Kashipur P.S. Case No. 244 of 2023 dated 02.06.2023 is concerned, as such,

no interference is called for.

With the aforesaid observations,
WPA 24551 of 2023 is **dismissed**.

Report so submitted be kept with
the record. Let a copy of the report be
handed over to the learned advocate for
the petitioner.

Parties to act on a server copy of
this order duly collected from the official
website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)