

30.01.2024

**Item No.38
BR**

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

CRR 3710 of 2017

**Nandan Bose & Ors.
-vs-
State of West Bengal & anr.**

Nobody appears on behalf of either of the parties. Even on earlier occasion no one represented the petitioner. No accommodation sought for.

This case is pertains to year 2017, nature of prayer and to avoid further delay the record is taken up for the purpose of disposal on merit.

Petitioners being the accused filed an application under Section 482 of the Code of Criminal Procedure , 1973 seeking quashing of proceeding being A.C.G.R. case No. 6568 of 2016 pending before the learned Additional Chief Judicial Magistrate, Alipore, South 24-Parganas arising out of Netaji Nagar P.S. Case No. 421 of 2016 dated 12.11.2016 under Sections 354A/354D/341/509/34 of the Indian Penal Code and all orders passed therein.

It is the case of the petitioners that petitioner no. 1 is the son-in-law of the opposite party no. 2 herein, petitioner no. 2 is the father, petitioner no. 3 is the uncle and petitioners no. 4 and 5 are maternal uncle of the petitioner no. 1 and the petitioner no. 6 is the relatives of petitioner no. 1.

It is further case of the petitioners that one criminal case being Patuli P.S. case No. 311 of 2016 dated 22.9.2016 under Sections 498A/406/34 of the Indian Penal Code read with Section 4 of Dowry Prohibition Act is pending against the petitioner nos.1,2,3,4,5,6 and two others.

One another complaint lodged against the petitioners by opposite party no. 2, mother-in-law of the petitioner No.1 with an allegation for obscene gesture and pointing fingers and hands which outraged her modesty resulting registration of first information report being Netaji Nagar P.S. Case No. 421/2016 dated 12.11.2016 under Section 354A/354D/341/509/34 of the Indian Penal Code though the allegations are toally false and fabricated. No such incident ever happened with the petitioners and the opposite party no. 2. In the said case the petitioners surrendered before the learned Additional Chief Judicial Magistrate, Alipore, South 24-Parganas

on 28.12.2016 and thereby the learned Magistrate enlarged on bail on the same date. As such the entire proceeding is required to be quashed as the proceeding is totally abuse of process of law and to secure ends of justice.

Upon perusal of the applications as well as annexures thereto this Court finds on the basis of allegations levelled by the opposite party no. 2 a case was started under Sections 354A/354D/341/509/34 of the Indian Penal Code. Subsequently after completion of investigation the Investigating officer has found a prima facie case against the present accused persons. Accordingly, he submitted being Charge Sheet No. 5/17 dated 13.1.2017 under Sections 354A/354D/341/509/34 of the Indian Penal Code.

Considering the prima facie case established against the present petitioners as well as statements recorded under Section 161 and 164 of the Criminal Procedure Code, I do not find prima facie falsification of allegation and charge sheet has been submitted after completion of investigation.

In the light of above discussion, findings and circumstances, this Court do not find any illegality or infirmity in taking cognizance by the learned Magistrate.

Accordingly, **CRR 3710 of 2017** is, thus, dismissed without any order as to costs.

Let a copy of this order be communicated to the learned Court below for information.

Urgent xerox certified copy of this order , if applied for, be supplied to the learned advocate for the parties on usual undertakings.

(Ajay Kumar Gupta , J.)