

01.04.2024
Sl.No. 90
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3740 of 2017

Sangnath Mitra @ Sankha Mitra
Vs.
The State of West Bengal and anr.

Ms. Faria Hossain
Ms. Kanchan Ray.....for the State

Memo of evidence filed by the State is taken on record.

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

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

The instant revisional application has been filed by the petitioner/accused seeking for quashing of proceeding in G.R. Case no. 3318/2016 arising out of Khandaghosh PS Case no. 221 of 2016 under section 367 of the IPC pending before the learned Chief Judicial Magistrate .

State is represented by learned advocate.

Heard and perused the case diary and considering the submission that another accused on the similar footing and prayer had filed another criminal revisional application being CRR 95/2017. The said revisional application was finally

disposed of by the then Hon'ble Justice Siddhartha Chattopadhyay with an observation that the proceeding is sheer abusive process of law and finally disposed of the said application. In the similar facts and circumstances the present petitioner standing on the same footing and filed this revisional application seeking quashing of the said proceeding under the same and similar facts and grounds.

On perusal of the case diary as well as the order passed by this court in CRR 95/2017, it appears the petitioner has been arrayed in this case, mainly on the ground that there is matrimonial dispute with the defacto-complainant. It is also submitted that the accused persons along with two unknown persons had snatched away her girl child. The defacto-complainant had lodged an FIR against the petitioner. But subsequently the said child was found from the custody of her grandmother. Petitioner was falsely implicated due to matrimonial disputes.

Considering the above facts and circumstances of the case and materials available and case diary this court is also view that the proceeding should not be allowed to proceed as there is an abuse of process of law and to secure end of justice the present proceeding should be quashed.

Under such circumstances, the proceeding being Khandaghosh PS Case no. 221 of 2016 dated 19.9.2016 under section 367 of the IPC corresponding G.R. Case no. 3318/2016 pending before the learned Judicial Magistrate, Burdwan is hereby quashed.

In view of the above observations, **CRR 3740 of 2017** is, thus, allowed without order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)