

13.08.2024
Ct. 3
Sl.13
BD.

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

CRR 270 of 2024

**Harshika Thakuri @ Harshika Sharma @
Harshika Thakuri Sharma
-Vs.-
The State of West Bengal & Anr.**

Mr. Sanjoy Mazoomder
Ms. Sukanya Adhikari For the Petitioner.

This is an application under section 482 of the Code of Criminal Procedure wherein petitioner has contended that defacto complainant/opposite party no. 2 lodged a FIR against the petitioner and her mother alleging that her mother has forged a deed by which the property was transferred to her mother. Said deed was executed in favour of the petitioner's mother on 24th November, 1990 and the petitioner was born in 1974. Accordingly, petitioner was 16 years of age when the deed was executed.

Petitioner submits that she has no involvement in execution or registration of the said deed nor she was a party to the said deed nor she had subscribed her signature anywhere in the said deed. She further submits that opposite party no. 2 herein has not challenged or filed any suit praying for cancellation of such deed and unless a registered deed has been cancelled by a competent Court of law it cannot be treated as void or a forged deed.

Moreover, the alleged incident of forgery took place in 1990 but the first information report lodged in the year 2022 i.e, after 32 years of the alleged incident. He further submits that the dispute is purely civil in nature and a criminal proceeding has been initiated with some baseless and false allegations against the present petitioner.

Petitioner is directed to serve a copy of the application upon the opposite parties intimating next date of hearing and file affidavit of service on the returnable date.

Upon hearing learned counsel appearing on behalf of the petitioner it appears that the petitioner has made out an arguable case which needs adjudication.

In such view of the matter, let all further proceedings being G.R. Case No. 107 of 2022 pending before Learned Chief Judicial Magistrate, Darjeeling, is stayed for a period of eight weeks or until further order, whichever is earlier.

(Ajoy Kumar Mukherjee, J.)