

18.12.2024
rc/ct.no.02
Item No.35

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR No. 409 of 2024

In the matter of : Deepak Pradhan & Ors.

.....Petitioners

Mr. Vinod Agarwal
Mr. Debanjan Das

... for the Petitioners

Mr. Sudipto Kumar Majumder
Mr. Shubhankar Dutta
Mr. somduta Patra
Mr. Swagata Mitra

...for the O.P.

Mr. Aditi Sankar Chakraborty
Mr. Kallol Chatterjee

...for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Heard learned counsels for the parties.

The petitioners seek quashing of G.R.Case No. 18 of 2022 pending before the learned Chief Judicial Magistrate, Darjeeling on the ground that they have been falsely implicated and FIR does not make out any offence as alleged. The parties are neighbours and there are long standing disputes between them.

Learned counsels for the opposite party and the State submit that charge sheet has been submitted. It appears from the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure that the allegation is substantiated.

The FIR deals with the alleged incident and is sufficient to initiate the proceedings.

It appears that the charge sheet has been submitted against the petitioner under Sections 447/427/323/506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complaint has been lodged on false and frivolous grounds due to prior enmity between the parties. Several factual aspects have been raised by the learned counsel for quashing of the proceedings which, in my considered view, cannot be dealt with by this Court in exercising jurisdiction under Section 482 of the Code of Criminal Procedure. Such factual aspects shall be dealt with by the learned Trial Court during trial upon recording evidence of witnesses.

Since the FIR makes out a prima facie case against the petitioners, the matter needs to be dealt with on merits by the learned Trial Court. This is not a case which can be quashed in limine under Section 482 of the Code of Criminal Procedure.

Seven (7) witnesses are cited in the charge sheet.

In view of the above, the learned Trial Court is directed to take the proceedings to its logical conclusion within one year from the next date of hearing fixed before him, without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR No. 409 of 2024 is dismissed.

There shall be, however, no order as to costs.

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

(Suvra Ghosh,J)