

06.03.2025
rc/ct.no.34
Item No.176

CRR No. 876 of 2024
Prithwijit Dalal & Anr.
Versus
The State of West Bengal & Ors.

Md. Shamimuddin
Sk. Samiul Haque ...for the Petitioner

Mr. Debasish Roy
Ms. Sreyashee Biswas ...for the O.P.

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

None appears for the private opposite party despite service.

Heard learned counsels for the parties.

Perused the Case Diary.

The petitioners seek quashing of ACGR Case No. 5016 of 2023 presently pending before the learned Additional District Judge, 1st Court, Alipore South 24 Parganas and registered as Special Case No. 64 of 2023 primarily on the ground that the allegation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 do not lie against them since the petitioners belong to the Other Backward Classes (in short, "OBC"). The allegation made against the petitioners are general and omnibus and no prima facie case has been made out against them during investigation.

Learned counsel for the State produces the Case Diary and opposes the prayer.

I have considered the submissions made on behalf of the parties in the light of the material available in the Case Diary. Charge sheet has been submitted against the petitioners and others under Section 509/504/506/114 of the Indian Penal Code and Sections 3(1)(r)/(s)/(z)/(za)/(E)/(zc) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as "the Act of 2015"). Since the petitioners belong to the OBC, allegations under the Act of 2015 do not lie against them.

The main thrust of the allegation against the petitioner is under the Act of 2015. The other allegations under Section 509/506/504 of the Indian Penal Code are general and omnibus in nature. It appears from the statements recorded under Section 161 of the Code of Criminal Procedure that there is a dispute between the petitioners and the private opposite party with regard to the parking of the petitioners' car in one of the garages of the building where the private opposite party owns a flat.

On perusal of the Case Diary, it appears that no prima facie material under Section 509/506/504/114 of the Indian Penal Code has transpired against the petitioners. The evidence collected during investigation has not lent support to the prosecution case.

In view of the above, this Court is inclined to hold that allowing the proceedings to continue shall be an abuse of the process of the Court.

CRR No. 876 of 2024 is allowed.

ACGR Case No. 5016 of 2023 presently pending before the learned Additional District Judge, 1st Court, Alipore South 24 Parganas and registered as Special Case No. 64 of 2023 be quashed qua the petitioners.

The petitioners be set at liberty at once and discharged from their bail bonds.

It is made clear that the proceedings shall continue against the other accused.

Case Diary be returned.

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

(Suvra Ghosh,J)