

CRR 987 of 2024

**Bijoy Ghorai & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Mofakkerul Islam
Ms. Smita Saha
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
Ms. Zannat Haque

... .. for the petitioners

Ms. Anasuya Sinha
Mr. Santanu Talukdar

... .. for the State

Mr. Mriganka Patra

..... for the opposite party no.2

1. The learned counsel for the petitioners has submitted that the relevant G. R. Case being No.267 of 2022 arising out of Daspur Police Station Case No.104 of 2022 dated 17.03.2022 as well as the charge-sheet being Charge-sheet no.255 of 2022 dated 27.06.2022 under Sections 341/323/354B/506/509/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur was initiated on the basis of a false complaint. The dispute arose amongst members of a family due to previous grudge and enmity. The learned counsel also submits that if the said proceeding is allowed to continue it will be a sheer abuse of process of Court.
2. The learned counsel appearing for the opposite party no.2 has raised objection.

3. The learned counsel for the State has also submitted that there are sufficient materials in the case diary regarding offences punishable under Sections 341/323/354B/506/509/34 Indian Penal Code against the present petitioners.
4. I have gone through the materials on record. It appears that there are certain incriminating materials against some of the accused persons. However, the petitioners are given liberty to agitate all points before the learned Trial Court and also to raise all the issues for their discharge from the relevant case at the time of consideration of charge.
5. In view of the materials on record, I am not inclined to allow the prayer of the petitioners at this stage.
6. Accordingly, CRR 987 of 2024 is disposed of. However no order as to costs.
7. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Apurba Sinha Ray, J.)