

CRR 1401 of 2016

**Balaram Burman & Ors.
Vs.
Subhas Ch. Burman (Bachhar) & Anr.**

1. None appears on behalf of either of the parties.
2. No accommodation is sought for.
3. Even on earlier occasions, none appeared on behalf of the petitioners.
4. This case pertains to the year 2016. Almost 9 years have been passed.
5. The petitioners being the accused persons filed this application under Section 482 read with Section 401 of the Code of Criminal Procedure challenging the order of cognizance taken by the Trial Court on 13th January, 2015 in Case No. 3910 of 2014 (Sri Subhas Ch. Burman (Bachhar) Vs. Balaram Barman & 13 Others accused persons) pending before the learned Judicial Magistrate, 1st Class, 6th Court, Alipur, 24-Parganas (South).
6. This Court prefers to dispose of this case on merits upon considering the nature of prayer, long pendency and materials available on record.
7. It is pleaded by the petitioners that there was a civil dispute between the petitioners and the accused persons. They have been falsely implicated in the instant case. As such, they prayed for setting aside the cognizance order

passed by the Trial Court as there is no sufficient material against the petitioners.

8. Upon perusal of the materials available in the record as well as in the impugned order, this Court finds that there are some civil disputes which are pending. However, the allegations made against the present petitioners are under Sections 147, 149, 447, 427, 379 of the Indian Penal Code.

9. Learned magistrate has examined the complainant under Section 200 of the Code of Criminal Procedure and after fully satisfied that there are prima facie sufficient grounds to proceed against all the accused persons under Sections 147, 149, 447, 427, 379 of the Indian Penal Code, therefore, cognizance was taken and issued process against the present petitioners.

10. Keeping in mind the aforesaid facts and materials available on record, this Court also finds there are sufficient prima facie materials available on the record against the petitioners, as such, there are no merits in the present application where this Court can apply its inherent power under Section 482 of the CrPC to quash the proceeding.

11. Consequently, **CRR 1401 of 2016** stands **dismissed**. Connected applications, if any, are also, thus, disposed of.

12. Interim orders, if any, shall stand vacated.

13. Let a copy of this order be communicated to the learned Trial Court for information and taking further steps.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)