

March 19, 2025
Sl. No. 30
Court No.34
s.biswas

CRR 1918 of 2024

Shuvam Roy
Vs.
The State of West Bengal and another

Mr. Pratyush Patwari

.. for the petitioner

Mr. Arijit Ganguly

Ms. Sreemayi Roy

... for the State

The petitioner seeks quashing of proceedings being NGR No.846 of 2022 pending before the learned Special Executive Magistrate, Police Commissionerate Bidhannagar, primarily on the ground that the dispute is a matrimonial dispute and the Executive Magistrate has no jurisdiction to deal with the same under Section 107 of the Code of Criminal Procedure.

Heard learned counsels for the parties.

The opposite parties opposes the prayer.

It appears that the complaint was lodged by ASI Debabrata Pandey of Narayanpur Police Station on 20th May, 2022 under Section 107 of the Code of Criminal Procedure alleging that the petitioner threatened and beat up his wife badly and used filthy language towards her. The learned Executive Magistrate registered a complaint on 2nd June, 2023 and issued notice upon the petitioner without complying with Section 111 of the Code. The proceeding is still pending.

This court fails to understand as to how a matrimonial dispute between two private individuals was found to be likely to result in any breach of peace or disturbance of public tranquility. Since the

dispute is purely a matrimonial dispute between two private parties, the learned Special Executive Magistrate had no jurisdiction to entertain the complaint or initiate proceeding under Section 107 of the Code.

Without further ado, this court is inclined to quash the proceeding forthwith.

The revisional application is allowed.

NGR No.846 of 2022 pending before the learned Special Executive Magistrate, Police Commissionerate Bidhannagar, be quashed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Suvra Ghosh, J.)