

28.3.2025
Sl. 2
Samarpita
Court No.40

CRR 4121 of 2024

In Re: - An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 under Sections 528/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with complaint Case No. 200 of Code of Criminal Procedure and pending before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur

And

Sri Shashibhusan Ghoshal

Vs.

Sri Jajati Ghosh

Mr. Kamal Ganguly,
Mr. Sudip Kushari

... for the Petitioner

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

The instant application is filed for quashing the proceedings in connection with Complaint Case no. 92 of 2023, filed under Section 200 of the Code of Criminal Procedure, 1973.

The grievance of the petitioner is passing of the order dated 2nd July, 2004 by the Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur. The Learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur examined the complainant under Section 200 of the Code of Criminal Procedure, 1973, perused the document as well as deposition on dock of the document. On considering these documents, he came to a conclusion that a *prima facie* case has been made out against the accused person under Sections 323/506 of the Indian Penal Code. Accordingly,

summon was issued. It is submitted by the learned Counsel for the petitioner that genesis of dispute is lending of money by the petitioner to *de facto* complainant. It is contended that money has not been paid rather the respondent assaulted him in connection of money transaction. He further submitted that there are documentary evidences in this regard.

The Learned Counsel for the respondent submitted that the petitioner's conduct is suspicious. On perusal of the impugned order, it appears that the Learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur applied his mind to the documents available. Question of facts cannot be decided at this stage, while considering an application for quashing of proceeding.

As stated above the question of fact, cannot be decided at this stage. The instant application is dismissed and disposed of without any cost. It is made clear that the observations made above are only tentative.

The instant criminal application being **CRR 4121 of 2024** stands disposed of.

The copy of this application is communicated to the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Sugato Majumdar, J.)

