Court No. 34
(266294)

07.10.2026
(AD 12)
(S. Banerjee)

CRR 3428 of 2024

Bibyendu Kumar Ghosh & Ors.
Vs.
Sri Goutam Ghosh & Anr.

Mr. Supratick Shyamal
Ms. Arkarupa Roy
... for the petitioners

Mr. Soumya Nag
Mr. Rajdeep Sengupta
Ms. Sampriti Saha
... for the opposite-party no. 1

1. This revisional application is filed for quashing of the proceeding being MP Case No. 1228 of 2021 corresponding to NGR 1228 of 2021 under Section 107 of the Criminal Procedure Code, 1973 pending before the Special Executive Magistrate at Bidhannagar, North 24 Parganas.

2. It is submitted by the learned advocate appearing for the petitioners that there are several proceedings pending between the parties as the dispute exists over a property matter. A title suit has also been filed by the present opposite-party and an order of status quo as regards nature, character and possession of the suit property has been obtained. It is the further case of the petitioners that the averments made in the petition

under Section 107 of the Cr.P.C. against the present petitioners are all false since it is the opposite-party who regularly abused the petitioners and their family members and threatened them since there was an apprehension of continuous breach of peace at his instance.

3. One criminal revisional application was filed against the continuation of the said proceeding by the Executive Magistrate, Bidhannagar before the Court of the learned District and Sessions Judge which was registered as Criminal Motion No. 17 of 2023. The learned Sessions Judge at Barasat vide a judgment and order dated August 14, 2023 rejected the revisional application with the observation that no sufficient ground for an order of admitting the revision of MP No. 1228 of 2021 pending in the Court of the learned Executive Magistrate as this Court does not find any impropriety and/or illegality in the said order dated July 5, 2023.

4. It is submitted by the learned advocate representing the petitioners that the said proceeding under Section 107 of the Cr.P.C. was continuing for last three years and it has been dragged for such a long period when so many cases are pending between the parties against each other on the self-same issue, there is no

question of further continuation of this proceeding. Accordingly, he prays for quashing of the entire proceeding.

5. On behalf of the opposite-party it is submitted that the learned Executive Magistrate after considering the Enquiry Officer's report and after taking evidence of the witnesses, was of the opinion that both the parties are creating nuisances and directed both the parties to submit peace bonds within ten days. Thereafter the present petitioners already submitted the bond and that has been accepted on July 11, 2024. It is submitted that there is no specific instruction regarding submission of bond by the present opposite-party.

6. On a careful perusal of the entire materials on record it appears that the entire dispute originated from a property matter over which a suit for declaration has been filed and that has been contested by the present petitioners. An interim in injunction has also been obtained in connection with the said proceeding by the opposite-party. Written statement has been filed by the present petitioners in the said suit and lastly the order passed by the Executive Magistrate to submit the peace bond has been complied with by the petitioners.

7. Therefore, this Court is of the considered view that there remains no room for further adjudication of this issue and accordingly, there is no reason to allow the proceeding under Section 107 of the Cr.P.C., being MP Case No. 1228 of 2021, to continue further and the said proceeding is liable to be dropped.

8. However, it goes without saying that since the direction to submit bond was given considering that nuisances are being created by both the parties, it is expected that both the parties will maintain peace and tranquility so long any logical conclusion comes in respect of the pending disputes before the civil court.

9. Hence this revisional application being CRR 3428 of 2024 stands allowed. The proceeding being MP Case No. 1228 of 2021 is hereby directed to be dropped. The Executive Magistrate is directed to take appropriate steps.

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

(Chaitali Chatterjee (Das), J.)