

In Re: **Bhaswati Bhattacharyya.**

...petitioner

Mr. Ivan Roy,

.... For the petitioner.

The instant revisional application has been filed at the behest of the accused person in G.R.1427 of 2018 arising out of Uttarpara Police Station Case No.473 of 2018 dated June 29, 2018 under Section 406/380 of the Indian Penal Code, 1860.

It is submitted by the learned Advocate for the petitioner that the incident happened to the wife of the private opposite party. She lodged a prior case against the private opposite party under Section 498A of the Indian Penal Code. It is alleged that the said case was investigated by the police and the charge-sheet was submitted. After receiving summons in such case, the private opposite party has filed an instant case as counter blast. The case being Uttarpara Police Station Case No.473 of 2018 was investigated by the police and charge-sheet was filed. It was the allegation in the first information report filed by the private opposite party on June 6, 2018 at 9 a.m, the petitioner visited the house of the private opposite party and took all her belongings. She also took other articles forcibly including household articles, air conditioner, scooty and gold ornaments etc.

On the basis of such complaint Uttarpara Police Station Case No.473 of 2018 dated June 29 of 2018 was started against the petitioner. Police took up investigation and upon completion of

investigation submitted charge-sheet.

At the time of hearing the learned Advocate for the petitioner, on a query by Court, submits that the petitioner entered appearance in the criminal case and obtained bail. Charges were also framed and the case is now fixed for evidence of the prosecution.

At the time of hearing the learned Advocate for the petitioner submits that FIR was lodged by the petitioner after a delay of 20 days from the date of alleged incident. On such ground it is submitted on behalf of the petitioner that the case filed on behalf of the petitioner is a false case filed as a counter-blast to the case filed by the present petitioner as against the private opposite party and, therefore, it is liable to be quashed.

Having heard the submissions made on behalf of the learned Advocate for the petitioner and upon going through the materials annexed with the revisional application as also taking into account the fact that the charge-sheet has already been submitted in the case, charges stood framed and trial of the case already commenced. As the learned Trial Court has already taken up the allegation and sought evidence to prove such allegations, it would not be appropriate to quash the criminal proceeding at this stage.

In such circumstances, CRR 5184 of 2025 is accordingly dismissed.

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

(MD. SHABBAR RASHIDI, J.)