

CRR 128 of 2025

Anindita Banerjee & anr.
Vs.
The State of West Bengal & anr.

Sr. Adv. Sourav Chatterjee,
Adv. Promiti Bandopadhyaya,
Adv. Shyanti Poddar,

...for the petitioners.

The petitioners seek quashing of proceeding being C. case no. 2137 of 2024 pending before the learned Judicial Magistrate, 10th Court, Alipore.

Learned counsel for the petitioners submits that the 1st petitioner lodged complaint against the private opposite party under Sections 498A/313/506/34 of the Indian Penal Code on 15th July, 2024 and the private opposite party is in custody in connection with the said case. The present complaint was lodged on 22nd July, 2024 before the learned Chief Judicial Magistrate, Alipore who transferred the case record to the learned Judicial Magistrate, 10th Court, with an observation that the learned Magistrate shall take necessary steps under Section 223(1) of the BNSS. Though the learned Magistrate issued notice upon the petitioners in terms of Section 223 of the BNSS and directed them to appear before the court for hearing on the said issue and for consideration of cognizance of the offence, upon appearance of the 1st petitioner before the learned Magistrate, she was granted bail though cognizance of the complaint was not taken till the said date.

It appears from the material on record that the matter needs to be heard on merits.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Let the matter appear under the heading 'Contested Application' in the monthly list of March, 2025.

Further proceedings being C. case no. 2137 of 2024 pending before the learned Judicial Magistrate, 10th Court, Alipore be stayed till 31st March, 2025 or until further orders, whichever is earlier.

(Suvra Ghosh, J.)