



2023:CHC-AS:15590

Court No.
39
Item 24
tbsr

24.02.
2022

CRR 555 of 2022

In the matter of:- Sanju Yadav & Anr.

Mr. Soumya Basu Roy Chowdhury
.....for the petitioners

This is an application for quashing of a proceeding in which a charge sheet was submitted under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits as follows. The petitioners are a husband and wife who are the neighbours of the de facto complaint/opposite party no. 2. There was an altercation between the parties over the petitioner no. 1 putting a lock on the common gate. There is no allegation that alleged utterances were made in public view. No prima facie case is made out as would be evident from a plain reading the First Information Report and the charge sheet. Any further continuation of the impugned proceeding shall be an abuse of the process of the Court.

Let the petitioners serve a copy of this application upon the State through the learned Public Prosecutor and upon the opposite party no. 2 by speed post with acknowledgment due, within a week and affidavit of



service to that effect shall be filed on the next date.

Let this matter appear as a “Contested Application”
three weeks hence.

The impugned proceeding shall remain stayed for a
period of six weeks from this date.

The parties shall be at liberty to pray for extension
or modification or vacating of the interim order upon
notice to other side.

The State is directed to produce the case diary on
the next date.

Urgent photostat certified copy of this order may be
supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)