

11.03.2026
Court No.29
ADSL 8
Sudipta

CRR 996 of 2026

**YYY & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Sabir Adhmed
Mr. Shraman Sarkar
Mr. Dhiman Banerjee
Mr. Quazi Ezaz

...for the petitioners.

1. Being aggrieved by and dissatisfied with the continuance of the impugned proceeding in connection with Belgharia Police Station case no. 413 of 2025 under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (in short "Act of 2012") presently pending before learned Special Judge, Barrackpore, the instant application has been preferred by the petitioners.

2. Mr. Ahmed, learned counsel appearing on behalf of the petitioner submits that the FIR is a counter-blast due to serious matrimonial dispute arose between the petitioner no. 1 and the opposite party no.2 since the year 2020. The FIR is the product of continuous hostile litigation and has been lodged much after the previous cases showing a pattern of vengeance. The complainant has actually misused the gender based protective legislation by implicating multiple family members of her husband including the petitioner no.1 and 2 without justification or material evidence. He further submits that the chargesheet filed in the case is the mechanical reproduction of the FIR. Even

if the allegation made in the FIR is taken to be true, it does not constitute offence in the absence of mens rea. By dint of visitation right, only on one occasion the petitioner met the child, when they are being implicated with the alleged offence. He further referred that multiple litigations including maintenance proceeding, custody proceeding, civil litigations are going on between the parties and, therefore, further continuance of the instant proceedings based on absurd and inherently improbable allegations would be mere abuse of the process of the court.

3. Having heard learned counsel for the petitioner, the application is admitted. Petitioners are directed to serve a copy of the application upon the State through the office of Public Prosecutor, High Court at Calcutta and upon the opposite party no.2 through speed post indicating next date of hearing and to file affidavit of service on the returnable date.

4. Learned counsel for the petitioner prays for interim order. Having heard learned counsel for the petitioner and that the petitioner has made out an arguable case, let the impugned proceeding being POCSO case no. 292 of 2025 presently pending before learned Special Judge (POCSO Act), Barrackpore, is hereby stayed for a period of four weeks or until further order whichever is earlier.

5. Let the matter be listed in the Monthly List of April, 2026.

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

(Dr. Ajoy Kumar Mukherjee, J.)