

CRR 1322 of 2022

In the matter of : Nirmal Kumar Jana & Ors.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett ... for the petitioners

This is an application for quashing of a proceeding in which a charge sheet was submitted under Sections 447 and 427 read with Section 34 of the Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of a landed property in a village. They wanted to construct a boundary wall for the property and also to construct a culvert on a water body on their land. However, certain local individuals and members of the local club objected to this. A civil suit is pending over this since 2017. In the meantime, the petitioners obtained necessary permissions from the gram panchayet and the plan was also sanctioned. When the petitioners went for making such construction, they were prevented by the local people, in fact they were threatened and assaulted for which an F.I.R. was lodged on 22.04.2021. Thereafter, the members of the said club trespassed into the house of the petitioners and threatened them. On this, the second F.I.R. was lodged on 26.05.2021. As counter measures, subsequently four F.I.Rs had been lodged against the petitioners containing similar allegations. The present case is the outcome of one such F.I.R. No prima facie case is made out as would be evident from a plain reading of the F.I.R. and the charge sheet. Any further continuation of the impugned proceeding shall be an

abuse process of the Court. As the petitioners have made out an arguable case, the same could be heard at length.

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 acknowledgement due, within a week. An affidavit of service to that effect shall be filed on the next date of hearing.

Let this matter appear in the list under the heading 'Contested Application' one week after the ensuing summer vacation.

The impugned proceeding shall remain stayed for a period of one week after the ensuing summer vacation.

Liberty is granted to pray for extension or modification or vacating of the interim order upon notice to the other side.

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

(Jay Sengupta, J.)