

18.06.2026

Sl. No.35..

D/L.

Mithun.

Ct.No.29.

CRR/1562/2026

Sharmistha Das & Anr.

Vs.

Biva Roy & Anr.

Mr. Amit Karmakar

...for the petitioner

Petitioner has assailed the impugned proceeding being G.R. Case No.2370 of 2021 presently pending before learned Judicial Magistrate, 2nd Court, Barasat.

Being aggrieved by the impugned proceeding, learned Counsel for the petitioners submits that despite pendency of the civil suit for eviction against the petitioner no.1, the opposite party herein out of her personal vengeance and grudge has lodged the instant FIR with some fake stories. Petitioner no.1 is the daughter and petitioner no.2 is the grandson of the *de facto* complainant/opposite party no.2 herein. After the death of her husband, the petitioner and her child have taken shelter at the house of her mother. In fact the petitioner was inducted at the house by both of her parents considering her helplessness but the trouble started after the death of petitioner no.1's father. The dispute between the parties are purely civil in nature and the opposite party no.1 had tried to criminalize the civil dispute which is not sustainable in the eye of law. Therefore, petitioners have prayed for quashment of the entire proceeding.

Having heard learned Counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of application upon the opposite party no.2/State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.1 intimating next date of hearing and to file affidavit of service on the returnable date.

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

Petitioners have also prayed for interim relief.

Having heard learned Counsel for the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let the impugned proceeding being G.R. Case No.2370 of 2021 presently pending before learned Judicial Magistrate, 2nd Court, Barasat is hereby stayed for a period of 12 weeks or until further orders, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)