

09.06.2026

Sl. No.18.

D/L.

Mithun.

Ct.No.29.

CRR/2019/2026

Sk Sanowar Ali & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Sk. Toslim Ali

...for the petitioners

The petitioners herein have prayed for quashing of the proceeding being G.R. Case No.912 of 2026 presently pending before learned Chief Judicial Magistrate, Howrah.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that the petitioners have no connection with the alleged offence. Prior to institution of the instant criminal case, the complainant along with her family members had physically assaulted the petitioner no.7 and had forcibly driven out the petitioner no.7 and for the said act a specific case has been started being Jagatballavpur Police Station Case No.18 of 2026 under Sections 85/117(2)/316(2)/3(5) of the BNS and in connection with the same case investigation is going on till date. Therefore, the instant case is nothing but a counterblast to the said case. Moreover, a proceeding under the provision of Protection of Women from Domestic Violence Act is also pending against the present complainant and her family members. The complainant by suppressing the earlier cases which were registered against her, has filed this complaint with ill motive and, therefore, continuation of the impugned proceeding would be nothing but mere abuse of the process of the Court.

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

Petitioners are directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.2 through speed post 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.

Learned Counsel for the petitioners also prays 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 investigation continue but the Investigating Agency shall not take any coercive step against the petitioners for a period of 8 weeks or until further order, whichever is earlier on condition that the petitioners shall make all sorts of cooperation with the investigating agency.

However, I would like to make it clear that the pendency of this revisional application will not prevent the Investigating Agency to submit final report in either form after completion of investigation.

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.)