

11.08.2026  
09.  
Bd.  
Ct. 29

**CRR 2604 of 2026**

**Mrs. Mrinmayee Acharya**  
**Vs.**  
**The State of West Bengal & Anr.**

**Mr. Debarshi Brahma**  
**Mr. Sayantan Maity ... for the petitioner.**

Learned Counsel for the petitioner submits that dispute arose between one Tapas Kumar Bhowmik and his biological brother regarding enjoyment of their ancestral property and for which a civil suit being Title Suit No. 334 of 2016 was instituted before the competent Civil Court concerning partition and declaration of rights. The parties in the suit have amicably settled their disputes. A writ proceeding has also been initiated by said Tapas Kumar Bhowmik against his biological brother and neighbouring residents who allegedly supported his brother's possession and occupation of the ancestral residence. Suppressing the pendency of the civil litigation and the earlier writ proceeding, the complainant/opposite party No. 2 instituted the instant Complaint Case No. 294 of 2022 before the learned Judicial Magistrate, 1<sup>st</sup> Court, Howrah, impleading not only his said brother but also his neighbours including the present petitioner.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner further submits that the petitioner has been compelled to face the criminal proceeding despite having no proprietary interest in the

ancestral property and that the dispute is purely civil in nature. He further submits that in the entire FIR, no role has been attributed against the present petitioner and therefore further continuance of the impugned proceeding qua the petitioner shall be mere abuse of the process of the court.

Having heard learned counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the State through the office of the Public Prosecutor, High Court, Calcutta and upon the 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 under the heading “Contested Application” in the monthly list of October, 2026.

Learned counsel for the petitioner also prays for interim relief.

Having heard learned counsel for the petitioner and that the petitioner has made out an arguable case, which requires adjudication on merit, let all further proceedings being Complaint Case No. 294 of 2022 presently pending before learned Judicial Magistrate, 1<sup>st</sup> Court, Howrah, hereby stayed for a period of twelve weeks from date or until further order, whichever is earlier qua the petitioner

**Mrs. Mrinmayee Acharya.**

**(Dr. Ajoy Kumar Mukherjee, J.)**