

11.09.2025  
Item No.16  
Ct. No. 446  
KS

**C.R.R. 3722 of 2025**

In the matter of: **Litan Bhattacharjee & Ors.**

..... Petitioners

Mr. Tapash Kumar Mondal

Mr. Partha Sarathi Basu

....For the Petitioners

1. This instant criminal revisional application has been filed by the petitioners under Section 482 of the Criminal Procedure Code readwith Section 528 of the B.N.S.S., 2023 for quashing of F.I.R. No.385 of 2025 dated 28<sup>th</sup> May, 2025 under Sections 115(2)/ 117(2)/ 3(5)/ 303(2)/ 316(2)/ 318/ 329(3)/ 336(3)/ 340(2)/ 351(2) of the B.N.S., which is now pending before the Court of learned Judicial Magistrate, 1<sup>st</sup> Class at Nabadwip, Nadia.
2. It is the specific case of the petitioners that the First Information Report has been lodged alleging false and frivolous allegations against the present petitioners by the de facto complainant, for the second time, after the two suits filed by him, was dismissed as withdrawn. The de facto complainant alleged by filing such written complaint execution of two Deed of Gifts, which were executed practicing fraud upon him and on this score, a previous complaint was also lodged, where, after completion of investigation, a charge-sheet has been submitted and the proceeding is pending for trial.
3. It is further submitted that the two civil suits were filed earlier by de facto complainant for cancellation of those two Deed of Gifts but, subsequently withdrawn and in the order of withdrawal of those suits, the liberty was given to the present petitioners to initiate a criminal action against the de facto complainant.

4. Accordingly, it is submitted that the instant complaint filed before the Court of learned Magistrate if allowed to be continued, it would be the abuse of process of law.
5. Heard the submission and perused the materials on record. It transpires that there is a chequered history in the matter. The dispute emanated from execution of two Deed of Gifts, challenging the same two civil suits, which were withdrawn subsequently. Further, the Title Suit has been filed by the present petitioners against the de facto complainant and others. Earlier, a complaint has been lodged over the self-same issue by the de facto complainant, where the investigation has been completed and the charge-sheet has been submitted when the second application primarily appears to have been filed after the order of withdrawal of those title suits.
6. In view of the above, this matter requires to be heard in presence of the opposite parties.
7. Accordingly, petitioners are directed to serve copy this criminal revisional application with all annexures upon the State through the office of the learned Public Prosecutor, High Court, Calcutta and also upon the opposite party no.2 by Speed Post with acknowledgement due and file affidavit of service on the next date fixed.
8. Meantime, there shall be an order of interim stay with regard to the impugned F.I.R. till 30<sup>th</sup> November, 2025.
9. Let the matter be listed in the Combined Monthly List of November, 2025 before the Regular Bench.
10. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(CHAITALI CHATTERJEE (DAS), J.)**