

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

04.10.2024

5

SG/sdas

**C.R.R. No. 3570 of 2024**

In Re : Sabir Ali Mallick & Ors. ....petitioners

Mr. Tapan Dutta Gupta  
Mr. Kesab Chandra Das  
Ms. Aparajita Mondal

..... for the petitioner

1. Learned Counsel for the petitioners submits dispute is civil in nature and the civil proceedings have been decided against the de facto complainant. Thereafter impugned criminal case has been maliciously initiated as an instrument of harassment.

2. Having considered the aforesaid submission and in light of the materials in the impugned charge-sheet, I am of the opinion petitioners have made out an arguable case in their favour.

3. Copy of the petition be served upon opposite party no. 1/State through learned Public Prosecutor, High Court, Calcutta and opposite party no. 2 through registered speed post with acknowledgement due and affidavit-of-service be filed on the next date of hearing.

4. Let this matter appear under the heading "Contested Application" four weeks after Puja Vacation.

5. There shall be stay of operation of the proceedings of the FIR vide Haripal Police Station Case No. 323 of 2023 dated 27.07.2023 under Sections 420/406/467/468/506/34 of the Indian Penal Code corresponding to G.R. Case No. 1330 of 2023, pending before the learned Additional Chief Judicial Magistrate, Chandannagar for a period of six weeks after Puja Vacation or until further orders whichever is earlier.

6. Liberty is given to the parties to pray for extension and/or vacation and/or modification of this order upon notice to the other side.

7. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

**(Joymalya Bagchi, J.)**