

08.12.2022

Sl. No. 31

Srimanta

Ct.No. 42

List – M/L

CRR/3990/2022

In the matter of : **Dharmveer Singh & Anr.**

Mr. Anjan Bhattacharya, Adv.

...for the petitioners.

Leave is granted to the learned Advocate for the petitioners to add the *de facto* complainant of Nabadwip Police Station Case No. 159/2022 dated 23rd April, 2022 as opposite party no. 2.

On perusal of the certified copy of the FIR filed by the opposite party no. 2 it is ascertained that the opposite party no. 2 is the Chairman of Mayapur Food Relief Charitable Trust. It is alleged by the *de facto* complainant that the petitioners by committing forgery created a false trust deed and obtained illegal possession over the property of Mayapur Food Relief Charitable Trust. Thus, the *de facto* complainant was removed from the said Trust. The *de facto* complainant raised protest against the acts of the petitioners but the petitioners threatened him with dire consequences. On the basis of the said complaint Police registered a case under Section 406/420/467/468/506/34 of the Indian Penal Code. However, on conclusion of investigation Police submitted charge-sheet against the petitioners under Section 341/323/506/34 of the Indian Penal Code though there is absolutely no allegation in the FIR regarding commission of the aforesaid offences by the petitioners. Therefore, the petitioners have approached this Court for quashing the FIR.

The application be admitted.

The petitioners are directed to serve notice upon the opposite party no. 2 under registered speed post with acknowledgement due and file affidavit-of-service within three weeks from the date of this order. The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceeding of Nabadwip Police Station Case No. 159/2022 dated 23rd April, 2022 be stayed for a period of six weeks.

(Bibek Chaudhuri, J.)