

16.
25.11.2025
Bd.
Ct. 29

CRR 4992 of 2025
Avishek Bhadra @ Abhishek Bhadra & Anr.

Vs.
The State of West Bengal & Anr.

Mr. Pratim Priya Dasgupta
Mr. Abhra Jena
Mr. Amit Dey ... for the petitioners.

Petitioners herein have prayed for quashing of the proceeding in connection with GR Case No. 7836 of 2024 presently pending before learned Judicial Magistrate, 1st Court, Barrackpore, where the allegation is that opposite party no. 2 while installing CCTV cameras at the main road in front of his premises the petitioners with the help of some outsiders attacked the opposite party no. 2 and physically assaulted him and caused damages to the opposite party no. 2.

Being aggrieved by the impugned proceeding learned counsel for the petitioners submits that on the self-same allegation a writ application being WPA 2514 of 2025 was filed wherein this High Court was pleased to dispose of the application observing that Civil Court in session will decide the dispute and the necessary liberty was given to the writ petitioners to approach before jurisdictional civil court with the issue of installation of CCTV cameras. Said civil suit is still pending. Moreover, during investigation it has been disclosed from the statement of witnesses recorded under section 161 Cr.P.C. that no incident of assault had taken place.

In such circumstances, further continuation of the impugned proceeding will be a mere abuse of the process of the court and therefore they prayed for quashing of the impugned proceeding.

Upon hearing learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of the application upon the opposite party 1/State through the office of the learned Public Prosecutor, High Court, Calcutta, and opposite party no. 2 through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Learned counsel for the petitioners also prays for stay of the impugned proceeding.

Having heard learned counsel appearing on behalf of the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let all further proceedings being GR Case No. 7836 of 2024 presently pending before learned Judicial Magistrate, 1st Court, Barrackpore, be stayed for a period of 12 (twelve) weeks from date or until further order, whichever is earlier.

Let the matter be listed under the heading "Contested Application" in the monthly list of January, 2026.

(Dr. Ajoy Kumar Mukherjee, J.)