

April 30, 2024

ARDR (36)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 128 of 2024

In re: Aditya Narayan Saha,

...petitioner.

Adv. Somraj Paul,

...for the petitioner.

Learned counsel for the petitioner prays for quashing of criminal proceeding of G.R. case no. 1970 of 2022 and charge-sheet no.1028/2022 pending before the learned Additional Chief Judicial Magistrate, Siliguri. Learned counsel for the petitioner submits that an agreement for sale of the flat in question was entered into by and between the petitioner and the private opposite party which contains a clause that the parties shall be entitled to sue for specific performance for violation of any of the terms and conditions of the agreement before the proper court of law. In a writ petition filed by the petitioner, being WPA 1455 of 2022, a coordinate Bench of this court held vide order passed on 5th July, 2022 that the dispute between the parties is purely civil in nature and the same cannot be decided by police authority.

Charge-sheet has been submitted against the petitioner under Sections 406/420 of the Indian Penal Code.

Upon consideration of the submission made on behalf of the petitioner and the material on record, this Court is of the *prima facie* view that the petitioner has been able to make out an arguable case requiring adjudication.

The petitioner is directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Further proceedings of G.R. case no. 1970 of 2022 and charge-sheet no.1028/2022 pending before the learned Additional Chief Judicial Magistrate, Siliguri be stayed till 31st May, 2024.

The matter be placed before the next available Circuit Bench.

(Suvra Ghosh, J.)