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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR No. 198 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973

And

In the matter of: **Vinay Kumar @ Binay Kumar**
..... petitioner .

Mr. Ayan Bhattacharjee
Mr. Sumit Biswas
Mr. Shashwat Nayale
Mr. Rajashree Bhowmick

..... for the petitioner

This is an application under Section 482 of the Code of Criminal Procedure (hereinafter referred to as '*the Code*') for quashing of proceeding being G.R. No.1911 of 2024 corresponding to Kotwali Police Station Case No.290 dated 23rd April, 2024 under Section 341/354 of the Indian Penal Code (hereinafter referred to as '*IPC*') pending before the Court of the learned Chief Judicial Magistrate at Jalpaiguri.

Mr. Ayan Bhattacharjee, learned Advocate for the petitioner submits that the petitioner is a developer carrying on developmental work under the name and style of "*M/s. Rajputana Realty Private Ltd.*". The petitioner purchased land for carrying on developmental work measuring more or less 2 acres within R.S. Plot No.123, Mouza Baropatia, Nutanbas, Police Station Kotwali. A group of rank outsiders tried to obstruct the petitioner in carrying out such developmental work. The petitioner filed civil suit being Title Suit No.542 of

2022 wherein an order of *status quo* was passed by the learned Civil Judge, Junior Division at Jalpaiguri. The defendants also prayed for a counter claim in the suit. The defendants in order to stall the developmental work of the petitioner have initiated multiple number of F.I.Rs. against the workmen thereby jeopardizing the entire developmental work. The petitioner filed a complaint before the local police station, however, since no steps were taken by the police authorities he filed a writ petition wherein direction was issued for registering F.I.R. After a lapse of considerable period, the complaint lodged by the petitioner was registered as F.I.R. being Kotwali Police Station Case No.266 of 2024 dated 11th April, 2024. A *suo motu* case under Section 144 of the Code was started at the instance of the police authority on 4th May, 2024 against the petitioner. Challenging such proceeding, the petitioner filed a writ petition before this Hon'ble court being WPA 991 of 2024. Such proceeding under Section 144 was quashed by this Hon'ble Court on 24th May, 2024. While disposing of the writ petition this Hon'ble Court observed that though the Executive Magistrate in its order recorded that the Block Land and Land Reforms Officer has not submitted details as to the right, title and interest of the plots in dispute but in spite of the same has proceeded to pass the order. The petition of complaint has been drafted by a law clerk in order to ensure that all the necessary pleadings are available in respect of ingredients of

the alleged offence. On the date of occurrence, i.e., on 22nd April, 2024 the petitioner went to Delhi. There is no connection or nexus of the petitioner with the alleged offence and has only been lodged to harass and wreak vengeance against the petitioner. To buttress his contentions he relies on the following decisions:

- 1) ***Mahmood Ali & ors. versus State of U.P. & ors.***, reported in ***2023 (10) SCALE 523***;
- 2) ***Iqbal alias Bala and ors. versus State of Uttar Pradesh and ors.***, reported in ***(2023) 8 SCC 734***;
- 3) ***Salib @ Shalu @ Salim versus State of U.P. and ors.***, reported in ***(2023) 11 S.C.R. 58***; and
- 4) ***Vineet Kumar and ors. versus State of Uttar Pradesh and anr.***, reported in ***(2017) 13 SCC 369***.

In light of the aforesaid submissions, he prays for stay of proceeding under challenge.

From the materials placed before this Court it is found that the petitioner is a developer who has purchased certain piece of land for carrying on the work of development. On the plea of obstruction to the developmental work the petitioner approached the civil court for an order of injunction being Title Suit No. 542 of 2022 in which the Civil Court has passed an order of *status quo*. It is found that about 9 numbers of F.I.Rs. are registered before the Kotwali Police Station on allegations and counter allegations. Thus, it is found that series of litigations are pending. At page 219 of

the application it is found that the petitioner has boarded flight to Delhi on the alleged date of occurrence, i.e., on 22nd April, 2024.

Considering such aspect and the submissions advanced on behalf of the petitioner relying on *Mahmood Ali (supra)*, *Iqbal alias Bala (supra)*, *Salib @ Shalu @ Salim (supra)*, and *Vineet Kumar (supra)*, this Court finds that an arguable case has been made out.

Accordingly, the revision is admitted.

There shall be stay of all further proceeding in G.R. No.1911 of 2024 corresponding to Kotwali Police Station Case No.290 dated 23rd April, 2024 under Section 341/354 of the Indian Penal Code pending before the Court of the learned Chief Judicial Magistrate at Jalpaiguri for a period of four weeks from date or until further order, whichever is earlier.

Parties shall be at liberty to pray for extension, modification and/or vacation of the interim order upon notice.

Petitioner is directed to serve copy of the revisional application along with its annexures to the opposite parties through registered speed post with acknowledgement due and file affidavit of service on the returnable date.

Let the matter appear before the next available Circuit Bench.

(Bivas Pattanayak, J.)