

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

**02.08.2023
Court No.3
(ab 20)**

CRR 193 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure read;

And

In the matter of: **Joseph Chakraborty & Ors.**

.**Petitioners**

Mr. Nabankur Paul,
Mr. Abhishek Sarkar

... For the petitioners

This revisional application has been filed by the petitioner under Section 482 of the Code of Criminal Procedure praying for quashing of proceedings being Spl. G.R. Case No. 20 of 2023 arising out of Pradhan Nagar Police Station Case No. 462 of 2023 dated 30.06.2023 under Sections 341/325/506/34 of the Indian Penal Code read with Section 3(1)(r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending before the learned Judge, Special Court under SC/ST (POA) Act, Darjeeling (Learned Additional District and Sessions Judge, 1st Court at Darjeeling).

Mr. Nabankur Pal, learned advocate for the petitioners submits that a civil dispute between the parties has been frivolously given criminal flavour by filing of harassing written complaint by the opposite party no. 2. He submits that the defacto complainant-

opposite party no. 2 has undertaken construction on a plot of land which was allotted to him by way of patta, which is adjoining to the plot of the petitioner nos. 1 & 2. The opposite party no. 2 has not left requisite side place at the time of construction leading to encroachment in the property of the petitioners. The petitioners filed complaint before the respective authorities raising such illegal activities of the opposite party no. 2. In order to prevent the petitioners from pursuing their complaints, the opposite party no. 2 has deliberately filed the instant criminal case without any basis. He submits for interim order in the nature that no coercive measures be taken against the petitioners in the meantime.

Upon hearing learned advocate for the petitioners, it is found that the presence of the opposite parties is required for hearing of the matter.

The petitioners are directed to serve copy of the application upon the opposite parties through registered speed post with acknowledgment due and file affidavit of service on the returnable date.

Let the matter appear before the next available Circuit Bench.

(Bivas Pattanayak, J.)