

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRR 300 of 2024

Kushal Rai
Vs.
The State of West Bengal & Anr.

Mr. Urgen Lama
Mr. Mayank Bhandari ...for the Petitioner

This application pertains to a prayer for quashing of the proceeding being G.R. case no. 2503 of 2024 presently pending before the learned Additional Chief Judicial Magistrate, Siliguri.

It is submitted on behalf of the petitioner that the defacto-complainant being the Director of the company, M/s. Embark Institute Private Limited, handled all the transactions related to affairs of the said company and both the opposite party no. 2/complainant and the petitioner are signatories to the audit report and income tax files corresponding to the year 2021-22 and 2022-23 and the same has been endorsed by the chartered accountant.

He further submits that the petitioner and the opposite party no. 2 were a live-in relationship and were living together at Methibari in the same premises where the said company housed till 23.12.2023, when the opposite party no. 2 suddenly left the

petitioner and discontinued the live-in accommodation and started live-in relationship with another person.

He further submits that since the opposite party left the petitioner, she started making an exorbitant and unreasonable demands with money from the petitioner and used to threaten the petitioner to implicate with false cases. Petitioner further submits that initially he succumbed to her demands but when it gets higher and higher and unaffordable, petitioner could not fulfill the same. he further submits that the opposite party thereafter filed two cases under Section 125 of the Code of Criminal Procedure and the other under Section 12 of the Domestic Violence Act 2005 and both the cases are now pending before the learned Judicial Magistrate, Siliguri. He further submits that on perusal of the first information report, it appears that no specific allegation has been attributed against the petitioner and so long as, she was staying live-in relationship with the petitioner, she does not raise any issue and since the petitioner failed to fulfill his unreasonable demands for money, she has lodged the present complaint to wreck vengeance upon the petitioner.

The petitioner is directed to serve a copy of the application upon the opposite parties intimating the next date of hearing and file affidavit of service on the returnable date.

Let the matter appear under the heading "Contested Application" before the next available Circuit Bench.

Upon hearing learned counsel for the petitioner, it appears that the petitioner has made out an arguable case which needs adjudication.

In such view of the matter, let all further proceedings being G.R. case no. 2503 of 2024 presently pending before the learned Additional Chief Judicial Magistrate, Siliguri is hereby stayed for a period of four weeks or until further order, whichever is earlier.

(Ajoy Kumar Mukherjee, J.)