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Ct. No. 3Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**C.R.R. 467 of 2025**
Dhanpath Ray Rathi @ Dhanpath Roy Rathi & Anr.
Vs.
The State of West Bengal & Anr.*Mr. Abhilash Mittal*
*Mr. Nigam Mittal**...For the Petitioners*

The case of the complainant is that the he has been residing along with his wife in a three storied residential building at Dr. Kalinath Road, Siliguri on the basis of a verbal family settlement among the brothers. Due to the dilapidated condition of their kitchen, he engaged labourers to carry out repair work. However, after the commencement of the repair, the accused persons, who are the petitioners herein allegedly forced him to stop the repair work and asked to vacate the premises and also threatened and for which they are living in distress, insecurity and trauma. He also could not complete his repairing work thereby getting deprived from the basic amenities like food and water.

On the basis of aforesaid complaint, the police conducted investigation and after completion of investigation submitted charge sheet under Section 341/506 of the IPC read with Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Being aggrieved by the impugned proceedings, learned Counsel appearing on behalf of the petitioners submits that the allegations made in the FIR are vague, omnibus and not supported by any specific acts or dates. The Statements are hearsay and above all the dispute is purely



civil in nature arising over the distribution of family property and therefore, the ingredients of wrongful restraint or criminal intimidation does not lie and the concerned Magistrate has also got no jurisdiction to deal with the allegations made under Section 24 of the Act of 2007. Therefore, the proceeding is malicious and is liable to be quashed.

Having heard learned Counsel appearing for the petitioners, the application is admitted.

The petitioners are directed to serve a copy of the application along with a notice upon the Office of the learned Public Prosecutor, Circuit Bench at Jalpaiguri and also upon the private opposite party through speed post intimating the next date of hearing and to file affidavit-of-service on the returnable date.

Let the matter be listed before the next available circuit Bench.

Learned Counsel for the petitioners have also prayed for stay of the impugned proceedings.

Having heard learned Counsel for the petitioners that the petitioners have made out an arguable case which requires adjudication on merits, let all further proceedings, being Siliguri Police Station Case No. 495 of 2022 dated 21.05.2022, presently before the learned Judicial Magistrate, 4th Court, Siliguri be stayed for a period of twelve weeks from date or until further order whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)