

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Petn. No.48 of 2025**

1. Smt. Iti Rani Barman (aged about 66 years),
Wife of Sri Narayan Barman,
Resident of Chinaihani, P.O. Singarbil,
P.S. Airport, District-West Tripura;

2. Sri Narayan Barman (aged about 72 years)
Son of late Ramani Mohan Barman,
Resident of Chinaihani, P.O. Singarbil,
P.S. Airport, District-West Tripura;

----- Petitioner(s)

Versus

1. The State of Tripura,
represented by the Secretary, Department of Home,
Civil Secretariat, P.O. Civil Secretariat-799010,
P.S. New Capital Complex, District West Tripura.

2. Sri Krishnapada Das,
S/O late Haripada Das,
Resident of Gandhigram, Paschimpara, P.O. Gandhigram,
P.S. Airport, District- West Tripura;

----- Respondents

For Petitioner(s)	:	Mr. Agniva Chakrabarti, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P., Ms. Paromita Dhar, Adv.
Date of hearing	:	10.04.2026
Date of delivery of Judgment & Order	:	13.04.2026
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Mr. Agniva Chakrabarti appearing
on behalf of the petitioner. Also, heard Learned Counsel, Ms.
Paromita Dhar appearing on behalf of the respondent-complainant

and Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

2. The petitioner has filed this petition under Section 482 of Cr.P.C for quashing the case bearing No.PRC(SP)/112/2019 now pending before the Court of J.M. 1st Class, Court No.8, Agartala, West Tripura in connection with East Agartala PS case No.212/2018 under Section 353/506/34 of IPC.

3. At the time of hearing, Learned Counsel for the petitioner, Mr. Chakrabarti drawn the attention of the Court that the present petitioners are the in-laws of the respondent No.2. They solemnized their daughter's marriage with the respondent No.2. Some maladjustment was going on and as such, they went to meet the respondent No.2 in his office on the alleged day so that the marital discord cropped up between their daughter and the respondent No.2-accused could be resolved. But the respondent No.2 being an Government servant by misusing his power and chair has laid one FIR against the present petitioners to the concerned PS and in absence of materials on record, the IO has submitted charge-sheet against the present petitioners for which the petitioners have compelled to file this petition seeking redress before this Court. It was further submitted by Learned Counsel that save and except two office staff who are the subordinates of the informant, the IO in course of investigation could not record the statement of any other witness to substantiate the prosecution allegation which shows that the charge-sheet submitted by IO was nothing but a false and concocted story just to harass the present petitioners. So, in summing up, Learned

Counsel for the petitioner urged for quashing the entire proceeding now pending before the Learned Trial Court.

4. On the other hand, Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent submitted that since after proper investigation the IO has submitted charge-sheet against the petitioner-accused petitioners. So, at this stage, there is no material before this Court to disbelieve the prosecution story and urged for dismissal of the petition filed by the petitioner.

5. Learned Counsel, Ms. Paromita Dhar appearing on behalf of the respondent-informant submitted that the case is at the stage of recording of evidence. The alleged incident took place inside the office premise on the alleged day and as such, it is quite natural that no outsiders or public witnesses would be available to support the prosecution allegation. Furthermore, from the statement of witnesses namely Shepal Ch. Shil, Jhunu Das, Subimal Chakraborty, it is clear that on the alleged day the present petitioner-accused persons entered in the office of the informant and committed the offence and as such, there is no scope to disbelieve the prosecution story. Moreover, since the trial is likely to be commenced shortly, so, opportunity should be given to the prosecution to prove the charge levelled against the present petitioner-accused persons. It was further fairly submitted by Learned Counsel for the respondent-informant that if it is found that the present-accused persons are innocent and have been falsely implicated, in that case, there is every scope on their part to conduct their defence properly to establish their stand of innocence but at this stage, there is no scope to quash the proceeding pending

before the concerned Learned Trial Court and urged for dismissal of the petition.

6. Now, let us discuss Section 482 of Cr.P.C which provides as under:

"482. Saving of inherent powers of High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

From the aforesaid provision of law, it appears that the High Court may exercise inherent power to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

7. Here in the case at hand, after hearing Learned Counsel of both the parties and also the statements of witnesses so far collected by IO during the stage of investigation, *prima facie*, it appears to this Court that on the alleged day the present petitioner-accused persons entered into the office of the informant and caused hurt to him although the same fact is subjected to be scrutinized/tested during trial of this case. But on perusal of the materials on record and considering the statements of witnesses as aforesaid, at this stage, I do not find any scope to invoke jurisdiction under Section 482 of Cr.P.C. as prayed for by the petitioners. Furthermore, in course of hearing of argument, Learned Counsel for the petitioners failed to satisfy the Court by showing any other materials to exercise jurisdiction under Section 482 of Cr.P.C.

8. Hon'ble the Supreme Court of India in a judgment reported in **(2021) 19 SCC 401 [titled as Neeharika Infrastructure Private**

Limited Vs. State of Maharashtra and others dated 13.04.2021]

in para No.13.4, 13.5, 13.6 and 13.7 observed as under:

"13.4. The power of quashing should be exercised sparingly with circumspection, in the "rarest of rare cases". (The rarest of rare cases standard in its application for quashing under Section 482 CrPC is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court.)

13.5. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

13.6. Criminal proceedings ought not to be scuttled at the initial stage.

13.7. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule."

Further, Hon'ble the Supreme Court in another case reported in ***(2013) 3 SCC 330 [titled as Rajiv Thapar and others Vs. Madan Lal Kapoor dated 23.01.2013]*** in para Nos.26, 27, 28, 30.1, 30.2, 30.3, 30.4 and 30.5 observed as under:

"26. This Court had an occasion to examine the matter in State of Orissa v. Debendra Nath Padhi:(2005) 1 SCC 568 (incidentally the said judgment was heavily relied upon by the learned counsel for the respondent complainant), wherein it was held thus: (SCC p. 581, para 29)

"29. Regarding the argument of the accused having to face the trial despite being in a position to produce material of unimpeachable character of sterling quality, the width of the powers of the High Court under Section 482 of the Code and Article 226 of the Constitution of India is unlimited whereunder in the interests of justice the High Court can make such orders as may be necessary to prevent abuse of the process of any court or otherwise to secure the ends of justice within the parameters laid down in Bhajan Lal case:(1992) SCC(Cri) 426)
(emphasis supplied)

27. Recently, this Court again had an occasion to examine the ambit and scope of Section 482 CrPC in Rukmini Narvekar v. Vijaya Satardekar:(2009) 1 SCC (Cri) 721 wherein in the main order it was observed that the width of the powers of the High Court under Section 482 CrPC and under Article 226 of the Constitution of India, was unlimited. In the said judgment, this Court held that the High Court could make such orders as may be necessary to prevent abuse of the process of any court, or otherwise to secure the ends of justice. In a concurring separate order passed in the same case, it was additionally observed that under Section 482 CrPC, the High

Court was free to consider even material that may be produced on behalf of the accused, to arrive at a decision whether the charge as framed could be maintained. The aforesaid parameters shall be kept in mind while we examine whether the High Court ought to have exercised its inherent jurisdiction under Section 482 CrPC in the facts and circumstances of this case.

28. The High Court, in exercise of its jurisdiction under Section 482 CrPC, must make a just and rightful choice. This is not a stage of evaluating the truthfulness or otherwise of the allegations levelled by the prosecution/complainant against the accused. Likewise, it is not a stage for determining how weighty the defences raised on behalf of the accused are. Even if the accused is successful in showing some suspicion or doubt, in the allegations levelled by the prosecution/complainant, it would be impermissible to discharge the accused before trial. This is so because it would result in giving finality to the accusations levelled by the prosecution/complainant, without allowing the prosecution or the complainant to adduce evidence to substantiate the same. The converse is, however, not true, because even if trial is proceeded with, the accused is not subjected to any irreparable consequences. The accused would still be in a position to succeed by establishing his defences by producing evidence in accordance with law. There is an endless list of judgments rendered by this Court declaring the legal position that in a case where the prosecution/complainant has levelled allegations bringing out all ingredients of the charge(s) levelled, and have placed material before the Court, prima facie evidencing the truthfulness of the allegations levelled, trial must be held.

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

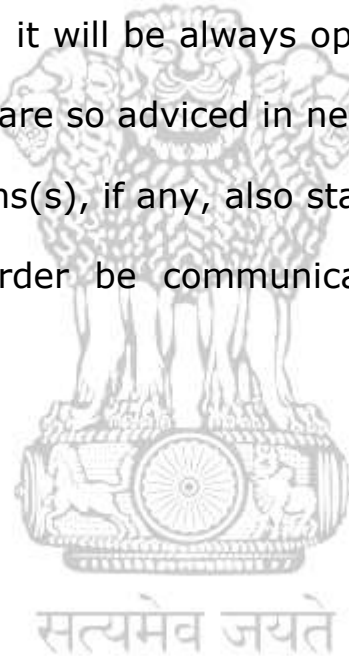
30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

From the aforesaid observation made by Hon'ble the Apex Court it appears to this Court as to under what circumstances the power under Section 482 of Cr.P.C. can be applied but here in the case at hand the petitioners could not make out any case to invoke the jurisdiction of Section 482 of Cr.P.C.

8. In the result, the petition filed by the petitioner-accused persons under Section 482 of Cr.P.C. bears no merit and accordingly, the same stands dismissed. But considering the facts and circumstances of the case, no order is passed as to costs. Since the petitioner-accused persons and the respondent-informant are close relatives to each other, so, it will be always open for the parties to go for any settlement, if they are so advised in near future.

Pending applications(s), if any, also stands disposed of.

A copy of this order be communicated to Learned Court below.



JUDGE