

02.09.2026

Sl. No.03.

D/L.

Mithun.

Ct.No.29.

CRR/5535/2025

Sudeshna Chatterjee

Vs.

The State of West Bengal & Anr.

Mr. Debajyoti Deb,
Mr. Somdyuti Parekh,
Ms. Indrani Roy,
Mr. H.K. Jha

...for the petitioner

Mr. Kallol Mondal, Ld.P.P.,
Mr. Imran Siddiqui

...for the State

Petitioner is the sister-in-law of the *de facto* complainant.

In this application, the petitioner has prayed for quashment of the proceeding being G.R. Case No.4663 of 2025 presently pending before learned Additional Chief Judicial Magistrate, 1st Court, Baruipur.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that the *de facto* complainant/opposite party no.2 has initiated the instant proceeding, *inter alia*, alleging that the petitioner ordinarily resides in Pune and is employed in a Multi National Company. However, she came to their house on 17.05.2025 on account of the demise of her father. After the funeral related rituals were over, she started behaving violently and aggressively claiming a share in the ancestral property. She is alleged to be under medication on mental health issues but has repeatedly stopped taking her prescribed medication and also refused further treatment and, thereby, she became violent and

caused repeated disturbances including physical assault on the complainant's husband and used abusive language in front of minor daughter and aged mother-in-law of the de facto complainant, who is a cancer patient. On the basis of such allegation, the police caused investigation and thereafter submitted charge-sheet against the petitioner under Section 85 BNS.

It appears that in spite of service of notice, the private opposite party is not represented.

Learned Counsel appearing on behalf of the State placed the Case Diary and pointed out recorded statement of two witnesses during investigation as well as the injury report of complainant Papia Dutta and he leaves the prayer made by the petitioner to the discretion of the Court.

I have considered submission made on behalf of both the parties. On perusal of the petition of complaint as well as the statements recorded during investigation and the injury report, it appears that general allegations are levelled against the petitioner. No specific and distinct allegation has been made against the petitioner, in order to constitute offence under Section 85 BNS nor the available materials disclose any specific role of the petitioner to rope her with the alleged offence. The allegations made against the petitioner can at best be said to have been made out on account of small skirmishes over ancestral property dispute and do not warrant prosecution. Therefore, further continuance of the impugned proceeding would be mere abuse of the process of the

Court, as also there is hardly any chance of conviction on the basis of available materials, even if a facade trial is allowed to continue.

In view of above, CRR 5535 of 2025 is allowed.

The impugned proceeding being G.R. Case No.4663 of 2025, presently pending before learned Additional Chief Judicial Magistrate, 1st Court, Baruipur is hereby quashed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)