

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

**BEFORE:
THE HON'BLE JUSTICE UDAY KUMAR**

**CRR 2755 of 2017
With
I.A No. CRAN 2 of 2018 (Old No. 597 of 2018)**

**Ibha Roychowdhury
Vs.
Sri Sri Mataji Tirpurananda Tirtha Ashram & Anr.**

For the Petitioner	: Mr. Gobinda Chowdhurye Mr. Debabrata Roy Mr. Mahadeb Sarkar
For the Opposite Party No. 2	: Ms. Debjani Sahu, Amicus Curiae
Hearing Concluded on	: 28 th March, 2025
Judgment on	: 25 th April, 2025

UDAY KUMAR, J.: –

1. This revisional application, CRR 2755 of 2017, coupled with the interlocutory application I.A No. CRAN 2 of 2018, has been brought before this Court under Sections 482 and 397 of the Code of Criminal Procedure, 1973 (CrPC), seeking the quashing of Complaint Case No. C-20/16, which is currently pending before the Learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas.
2. The crux of the matter lies in a dispute surrounding the Sri Sri Mataji Tirpurananda Tirtha Ashram. The petitioner, Ibha Roychowdhury, claims to be the founder Secretary/Headmistress of a primary school operating within the Ashram premises, asserting her position based on an alleged

appointment by the late Renuka Guha, who previously managed the Ashram's affairs. The opposite party no. 2, Sri Sri Mataji Tirpurananda Tirtha Ashram, initiated the aforementioned criminal complaint against the petitioner, alleging various offenses.

3. The petitioner's narrative traces the Ashram's history, highlighting the establishment of a school on its land. She contended her association with the school is legitimate, stemming from an appointment by a person who held a position of management within the Ashram. Conversely, the opposite party's complaint paints a picture of unauthorized occupation and activities detrimental to the Ashram's interests. The existence of a parallel, albeit dismissed, civil suit underscores the underlying property and management dispute. The fact that the Learned Magistrate took cognizance of the complaint and issued process indicates an initial assessment that warranted further inquiry.
4. Mr. Gobinda Chowdhurye, Learned counsel for the petitioner contended that the criminal complaint lacks the essential ingredients of any cognizable offense, characterizing it as a veiled attempt to resolve a civil dispute through criminal proceedings. A significant point raised is the alleged lack of *locus standi* of the complainant, questioning their legal right to institute the criminal action. Furthermore, the petitioner asserted her legitimate association with the school based on the purported appointment.
5. Ms. Debjani Sahu, learned Amicus Curiae, vehemently opposed the quashing of the complaint, portraying the petitioner as an unlawful occupier engaged in detrimental activities, including criminal trespass

and assault. The arguments highlight alleged irregularities in the school's operation and serious allegations of extortion and threats, painting a picture of criminal intent and actions.

Analysis of Allegations and Evidence (as presented in the complaint):

6. This Court has carefully perused the contents of the complaint. While allegations of threats and abuse are present, they lack the specificity required to establish the commission of the alleged offenses. The complaint fails to provide concrete details regarding the individuals threatened, the nature of the threats, or the resultant fear experienced. Similarly, the allegations of physical force lack crucial details such as the identity of the individuals assaulted and the nature of the injuries sustained.

Examination of the Offenses Alleged:

7. The complaint invokes Sections 448 (house-trespass), 452 (house-trespass after preparation for hurt, assault, etc.), 384 (extortion), 341 (wrongful restraint), and 120B (criminal conspiracy) of the Indian Penal Code. To sustain a prosecution under these sections, specific ingredients must be established. In the present case, the lack of precise details in the complaint regarding the acts constituting these offenses renders the allegations vague and insufficient to proceed criminally.

Consideration of the Relationship between the Parties:

8. It is an admitted fact that both the petitioner and the opposite party are associated with the Ashram. The petitioner's association, albeit through the school, cannot be outrightly dismissed as that of a complete stranger. In such a context, the charge of criminal trespass becomes tenuous, as it

typically involves unauthorized entry into property possessed by another. The ongoing dispute appears to stem from differing perceptions of management and control within the Ashram, a matter that primarily falls within the realm of civil law.

Application of Section 482 CrPC:

9. The inherent power of this Court under Section 482 CrPC can be invoked to prevent the abuse of the process of any court or otherwise to secure the ends of justice. In the present scenario, allowing the criminal proceedings to continue based on the vague and unsubstantiated allegations in the complaint would, in the considered opinion of this Court, amount to an abuse of the judicial process. The criminal machinery ought not to be used to settle what appears to be essentially a dispute of a civil nature, particularly when the allegations of criminal conduct lack the necessary specificity and clarity.

Conclusion:

10. Upon a careful consideration of the factual background, the legal arguments advanced by both sides, and a thorough scrutiny of the complaint, this Court finds that the allegations contained therein do not prima facie disclose the commission of any cognizable offense against the petitioner. The lack of specific details regarding the alleged threats, assaults, and other criminal acts, coupled with the admitted association of both parties with the Ashram and the underlying civil dispute, warrants the exercise of this Court's inherent powers under Section 482 CrPC to prevent further injustice.

- 11.** Accordingly, the revisional application being **CRR No. 2577 of 2017** is **allowed.**
- 12.** The criminal proceeding in Complaint Case No. C-20/16 pending before the Learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas, is hereby quashed.
- 13.** I.A No. CRAN 2 of 2018 (Old No. 597 of 2018) is disposed of accordingly.
- 14.** Interim orders, if any, stand vacated.
- 15.** Let a copy of this order be transmitted to the Court below forthwith for necessary compliance.
- 16.** Urgent Photostat certified copy of this judgment, if applied for, be given to the parties, as expeditiously as possible, upon compliance with all formalities

(Uday Kumar, J.)