

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 710 of 2022

Partha Banerjee

-Vs-

The State of West Bengal & Anr.

For the Petitioner: Mr. Ranjan Kali, Adv.

For the State:- Ms. Sreeparna Das, Adv.

Heard on: 25 July, 2022.

Judgment on: 15 September, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application under Section 482 of the Code of Criminal Procedure filed by the accused of G.R Case No.9 of 2020 pending before the learned Additional Chief Judicial Magistrate at Chandannagar praying for quashing of a criminal proceeding.

2. On 27th December, 2019 one Jugal Kishor Panigrahi, opposite party No.2 filed an application under Section 156(3) of the Code of Criminal Procedure stating, inter alia, that on 21st August, 2019 at about 1.30 pm when he was returning his house from his workplace, the accused restrained him near Bhadreswar Babur Bazar Bus Stand and forced him to sign on some non-judicial blank stamp papers at gunpoint. The informant refused to put his signature on the said papers. At this the

accused abused him with filthy language and assaulted him with fits and blows. He also pushed him back. The informant fell down on the ground then the accused snatched away a sum of Rs.2420/- from the pocket of the informant and his wristwatch. He also committed mischief in respect of the bicycle of the defacto complainant.

3. It is further stated by the informant that he informed the incident to the police attached to Bhadreswar P.S and subsequently to the Commissioner of Police, Hooghly Commissionerate under registered post.

4. The learned Additional Chief Judicial Magistrate send the said application to the Officer-in-Charge, Bhadreswar P.S directing him to treat the said application as FIR and start a specific case against the accused.

5. Accordingly police registered Bhadreswar P.S Case No.484 of 2019 dated 31st December, 2019 under Sections 341/323/379/427/506 of the IPC and took up the case for investigation.

6. On completion of investigation police submitted charge-sheet against the petitioner under Sections 341/323/506 of the IPC.

7. It is alleged by the petitioner that on 30th January, 2019 the petitioner lodged a complaint against the defacto complainant/opposite party No.1 alleging criminal trespass and commission of theft of valuable articles worth Rs.10 lakhs approximately. On the basis of the said complaint, FIR Case No.204 of 2019 under Section 308 of the IPC was registered against the opposite party No.2. Subsequently, the opposite party No.2 lodged a false case against the petitioner with some concocted

and frivolous story. Therefore, the petitioner has prayed for quashment of the proceeding being G.R Case No.9 of 2020.

8. I have heard the learned Advocate for the petitioner, private opposite parties and the State of West Bengal.

9. It is ascertained from the submission made by the learned Counsels for the parties that the petitioner took bank loan mortgaging his immovable property.

10. As the petitioner failed to make repayment of loan, a proceeding under the relevant provisions of the SARFAESI Act was instituted against him. The petitioner's immovable property was finally sold out by the bank in auction. The defacto complainant/opposite party No.2 being the successful bidder purchased the mortgaged property of the petitioner in auction by the bank. Auction sale took place on 24th January, 2019 and the petitioner lodged a complaint of commission of theft of his valuable articles worth Rs.10 lakhs against the defacto complainant on 30th January, 2019. On which date the opposite party No.2 was the original owner by purchase of the immovable property hypothetically to the bank.

11. Under such backdrop it is not possible to hold that the opposite party No.2 filed a false complaint against the petitioner. Further due investigation, police submitted charge-sheet against the accused/petitioner under Sections 341/323/506 of the IPC. At this stage, I do not find any reason to quash the said charge-sheet and consequent G.R Case No.9 of 2020.

12. For the reasons stated above, the instant revision is dismissed on contest.

(Bibek Chaudhuri, J.)