

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1276 of 2022

Nilratan Das & Ors.

Vs.

Biswajit Ghosh & Anr.

For the Petitioners : Mr. Kamal Das,
Ms. Tuhina Baul.

Heard on : 28.04.2022

Judgement on : 28.04.2022

Jay Sengupta, J. :

1. This is an application praying for quashing of an investigational proceeding in GR Case No.88 of 2022 pending before the learned Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas corresponding to HP. Coastal Police Station Case No12 dated 14.01.2022 under Sections 147, 149, 186, 189, 332, 333, 353, 325, 307 and 506 read with Sections 34 and 120B of the Penal Code and Section 09 of MPO Act and Section 03 of PDPP Act.

2. Learned Counsel appearing on behalf of the petitioners submits as follows.
The petitioners have been implicated falsely in this case on the basis of surmises and conjectures. A safe home was being constructed in the locality. As the local people protested, this led to altercation and scuffle between the parties. Two accused were arrested from the spot and others were named in the FIR. The petitioners are absolutely innocent. No prima facie case is made out against them as would be evident from a plain reading of the FIR. Any further continuation of the impugned proceeding shall be an abused of the process of Court.
3. I have heard the submissions of the learned Counsel appearing on behalf of the petitioners and have perused the revision petition.
4. It appears from a plain reading of the FIR that on the particular day local people protested the construction of a safe home by the District Police Administration for Covid affected police personnel. The miscreants became violent and damaged and destroyed the wind glass and looking glass of the vehicle. Thereafter, they started to assault the personnel. Somehow, the police personnel extricated themselves from the violent mob. Two persons were arrested from the spot. Later on, the names of the other assailants and the conspirators were learnt. Some persons were able to flee away from the spot.

5. From the allegations contained in the First Information Report, it appears that a prima facie case is made out against the petitioners.
6. The points taken up by the petitioners essentially involve disputed questions of fact, which could not be decided by this Court in an application for quashing.
7. Accordingly, I do not find any merit in this application. The same is dismissed.
8. However, there shall be no order as to costs.
9. The petitioners, however, shall be at liberty to raise all the points taken up in the application at the appropriate stage.
10. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)