

**04.11.2022**  
**Ct. No.42**  
**Item No.09**  
**P.A (Jaydev)**

**CRR 2412 of 2022**

**Swapan Dey @ Swapan Kr. Dey**  
**-Vs-**  
**State of West Bengal & Anr.**

For the petitioner: Ms. Chittapriya Ghosh, Adv.,  
Ms. Priyanka Saha, Adv.

This is an application under Section 482 of the Code of Criminal Procedure filed by the accused/petitioner praying for quashing of the charge-sheet dated 24<sup>th</sup> August, 2018 under Sections 211/420/506/120B/34 of the IPC filed in connection with Bizpur Police Station Case No.375 of 2018 corresponding to GR Case No.3657 of 2018 pending before the learned Additional Chief Judicial Magistrate at Alipore.

Bizpur P.S Case No.375 of 2018 was registered on the basis of an application under Section 156(3) of the Cr.P.C. The defacto complainant is the husband of one Smt. Amita Sen. The petitioner is the brother of said Amita. It is alleged by the defacto complainant that his wife with direct instigation of the petitioner has filed a written complaint in the year 2016, on the basis of which Bizpur P.S Case 485 of 2016 dated 5<sup>th</sup> October, 2016 was registered under Section 498A/406/494 of the IPC against the defacto complainant and her deceased mother. Though it was within the knowledge of the wife of the defacto complainant that her mother-in-law died in the year 2015. The said complaint was filed only to harass the defacto complainant under grave provocation of the

present petitioner. The petitioner and her sister humiliated the defacto complainant in public.

It is submitted on behalf of the petitioner that from the charge-sheet it is clear that the complainant failed to produce relevant documents in support of his complaint in spite of notice being served upon him by the Investigating Officer. In spite of such fact, the Investigating Officer filed charge-sheet against the petitioner only on the basis of the written complaint and the statement of the brothers of the defacto complainant recorded under Section 161 of the Cr.P.C.

It is contended on behalf of the petitioner that there is no element collected by the Investigating Officer in support of the charge under Sections 211/506/120B/34 of the IPC. Therefore, the charge-sheet may be quashed.

On perusal of the charge-sheet it is found that it was filed by the Investigating Officer on 24<sup>th</sup> August, 2008. The petitioner did not take any step for quashing of the charge-sheet during last four years. Now at the time of consideration of charge the petitioner has filed the instant revision praying for quashing of the charge-sheet.

Since charge-sheet has been filed against the petitioner and cognizance has been taken by the learned Magistrate on prima facie satisfaction, I am not in a position to quash the charge-sheet at this stage. However, the petitioner is at liberty to agitate all points canvassed before this Court at the time of consideration of charge with prayer for discharge.

With the above order the instant criminal revision is disposed of.

**(Bibek Chaudhuri, J.)**