

**01.03.2023**

Item No.16  
Ct.No.34  
dc.

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 815 of 2021**

**Samar Sen & Anr.  
versus  
State of West Bengal & Anr.**

**In Re:** An Application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

Mr. Koustav Bagchi,  
Mr. Debayan Ghosh,  
Ms. Priti Kar ... For the Petitioners.

Mr. Prasun Kumar Datta,  
Mr. Arijit Ganguly,  
Mr. Santanu Deb Roy ... For the State.

Memo of Evidence submitted by Mr. Deb Roy, learned advocate appearing for the State be kept with the record.

The subject-matter of the present revisional application relates to quashing of the proceedings of Khardah Police Station Case No. 752 of 2020 dated 28.12.2020 under Sections 380/420/468/509/34 of the Indian Penal Code. The investigating agency on conclusion of investigation, submitted charge-sheet under Sections 448/380/509/34 of the Indian Penal Code. From the charge-sheet it reflects that there are seven witnesses viz. 1) Mousumi Chakraborty, 2) Kajal Chakraborty, 3) Mala Singh, 4) Rahul Karmakar and three other police officers who participated in the investigation of the case. The case diary does not reflect that there has been any seizure which has been effected. The subject-matter of the FIR relating to Khardah Police Station Case No. 752 of 2020 dated 28.12.2020 was to the effect that the complainant viz. Moushumi Chakravarty had a marital discord with her

husband for which a matrimonial suit was pending before the Fast Track Court at Barrackpore. For the purpose of the same, Chandan Sen along with Samar Sen, the petitioner no.1 and his wife Suchitra Sen, the petitioner no.2 came to the house of the complainant/opposite party no.2 and had stolen the original deed of a shop room which was situated at Sodepur Municipal Market. When the complainant came to know about the incident and communicated over phone, she was abused in the filthy languages. After few days she came to know from the messages received by her in her phone that there was withdrawal of money from bank and post office which were related to certain Term Deposit, KVP and Fixed Deposit which were also in the joint name with her husband where she was surprised by the fact that in spite of she being the primary first holder, the money was allowed to be withdrawn without her signature. She apprehends that the accused persons may transfer her investments and transmit the same to Chandan Sen's account.

The police authorities not having acted on the said complaint which was accepted/acknowledged on 07.12.2020, the complainant approached the learned Additional Chief Judicial Magistrate, Barrackpore and the learned Additional Chief Judicial Magistrate, Barrackpore by its order dated 28.12.2020 was pleased to direct the Officer-in-Charge, Khardah Police Station to register the case by treating the petition of complaint as FIR.

I have perused the statements recorded under Section 161 of the Code of Criminal Procedure in respect of rest of the

witnesses which have been relied upon by the prosecution to prove its case. The three accused persons named in the FIR are related to the complainant and admitted position is that the present petitioners happen to be the sister-in-law and her husband. The summary of the allegations in the statement recorded under Section 161 of the Code of Criminal Procedure of all the witnesses are reflection of the letter of complaint which was addressed to the Inspector-in-Charge and the accusation even if accepted to be true only reflects that the present petitioners accompanied the said Chandan Sen who happens to be the husband of the complainant. There is no allegation that at any point of time there was any money transaction with the present petitioners, at least in the case diary, the same is not reflected nor there was any seizure in respect of the original title deed which is alleged to have been removed or stolen away. Having considered the materials so collected by the investigating agency in the background of the bitterness existing between the parties relating to matrimonial dispute, I am of the opinion that the present case has been initiated with an ulterior motive to harass the present petitioners. Considering the totality of the circumstances, I am of the opinion that further continuance of the instant proceedings is unwarranted.

Accordingly, all further proceedings relating to Khardah Police Station Case No. 752 of 2020 dated 28.12.2020 and the charge-sheet filed therein before the learned Magistrate are hereby quashed.

The revisional application being CRR 815 of 2021 is, thus, allowed.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**