

18-08-2023
Court No.3
bm/mg/9.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**C.R.R. 146 of 2023
With
IA No. CRAN 1 of 2023**

**SHEELA GUPTA AND ANR
Vs.
State of West Bengal**

Mr. Anand Bhandari
Mr. Urgen Lama
Mr. Mayank Bhandari
... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly
... for the State

The instant criminal revision is filed under Sections 397/401/482 of the Code of Criminal Procedure, 1973 for quashing the proceeding of Jorebunglow Police Station Case no. 33 of 2022 dated 22.08.2022 corresponding to G.R. Case No. 216 of 2022 under Sections 423/467/468/471/34 of the Indian Penal Code pending before the Court of the learned Chief Judicial Magistrate at Darjeeling.

The genesis of this prosecution is the written complaint dated 22.08.2022 written by the defacto complainant Atasi Bhattacharya alleging that some known person forced her to sign some blank documents which she subsequently came to know to be a deed of sale.

On the basis of a written complaint Jorebunglow Police Station case no.33 of 2022 dated 22.08.2022 under Sections 423/467/468/471/34 of the Indian Penal Code was initiated against the present petitioner and others.

The allegations contended the written complaint is basically civil in nature. Secondly, merely getting some blank document signed does not create a registered instrument. Registration necessitates physical presence and signatures as well as finger prints. Copy of the registered deed is annexed along with the application. The defacto complainant can file a suit for cancellation of instrument in case execution of the deed is in question but the complaint hardly discloses any criminal element.

Learned Counsel for the state Mr. Ganguly submitted that although notice was sent to the accused person they failed to produce any documents on monetary transaction. He further submitted that transfer of title is an issue in this case. Therefore, he opposed quashing of the prosecution.

All the submissions made by Mr. Ganguly confirms that the dispute is more civil in nature.

Therefore, this Court is inclined to exercise jurisdiction under Section 482 of the Code of Criminal Procedure and quash the prosecution against the petitioners.

The instant criminal revision case is allowed and disposed of accordingly along with pending applications.

(SUGATO MAJUMDAR, J.)