

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 1003 of 2022

Prasenjit Prasad Bhakat (Gupta)
Versus
The State of West Bengal & Another

For the State : Mr. Debasish Roy, Ld. P.P.
Ms. Sreyashee Biswas, Adv.

Heard on : 04.10.2024

Judgment on : 13.11.2024

Ajay Kumar Gupta, J:

1. The instant Criminal Revisional application has been preferred by the petitioner/accused under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the proceedings pending before the Learned Chief

Judicial Magistrate, Malda in connection with Bamongola P.S. FIR No. 101 of 2020 dated 23rd May, 2020 under Sections 341/323/325/354/506 of the Indian Penal Code, 1860.

2. The brief facts of the instant case, leading to filing of this Criminal Revisional application, are that the petitioner's mother, namely, Smt. Snehalata Bhakat (Gupta) became the owner of the property being No. 286 by way of purchase through the registered deed of sale dated 16.01.1995. A building is also standing thereon. After purchase of the said property, her name was duly recorded in the Record of Right.

3. The private opposite party herein along with their relatives, men and agents tried to encroached and grab the property of the petitioner's mother by making illegal and unauthorized construction which was obstructed and raised objection by the petitioner and also filed a petition under Section 144 of the Code of Criminal Procedure, 1973 against the opposite party and her associates.

4. Prior to the year 2006, one of the brothers of the opposite party, namely, Gosai Das Mandal filed a false and frivolous case against the present petitioner and the same was registered as Bamongola P.S. Case No. 16 of 2000 dated 25.04.2000 under Section 379 of the Indian Penal Code, 1860 arising due to the property

dispute and making unauthorized construction over the property of the petitioner's mother. Subsequently, the said long dispute over the land was finally resolved by intervention of well-wishers of both the parties by making it mutual understanding. A written term and condition in the settlement paper dated 09.02.2009 was executed by and between the parties and agreed upon the terms and condition that in future, there shall be no further dispute over the boundary.

5. Despite the said facts, the opposite party no. 2 and her associates violated the said terms of settlement and again tried to encroach the land of the petitioner's mother with the help of local goons and threatened the petitioner as such a proceeding under Section 107 of the CrPC was initiated and an FIR was registered being FIR No. 776 of 2020 dated 22.05.2020 by the Petitioner. Counterblast of such proceedings initiated by the Petitioner, a false complaint dated 18.05.2020 was lodged by the opposite party no. 2, namely, Ratna Mandal wife of Sushanta Mandal herein against the petitioner and the same was registered as FIR No. 101 of 2020 dated 23.05.2020 under Sections 341/323/325/354/506 of the Indian Penal Code, 1860 though the said complaint was falsely initiated only to implicate the petitioner. The petitioner is innocent and in no way connected with the alleged offences. Upon such complaint, the Police Authority initiated an investigation and upon completion of

investigation, the Investigating Officer arbitrarily and whimsically filed Charge Sheet vide Bamongola P.S. Charge Sheet No. 99/2020 dated 05.06.2020 under Sections 341/323/506 of the Indian Penal Code, 1860 against the present petitioner. Consequently, the present petitioner approached before this Hon'ble High Court by way of filing a Criminal Revisional application and the same has come up before this Bench for its disposal.

6. The learned counsel appearing on behalf of the State produced the Case Diary and submitted that during investigation, sufficient materials were collected by the Investigating Officer. The eye witnesses as well as medical documents have supported the allegation of the opposite party no. 2. As such, a Charge Sheet has been submitted after properly investigation by the Investigation Officer against the present petitioner and upon filing such Charge Sheet, the Learned Court below rightly took cognizance against the present petitioner. Therefore, the instant Criminal Revisional application has no merit and is liable to be dismissed.

7. None appears on behalf of the petitioner and Opposite Party No. 2 at the time of call. No accommodation has been sought for.

8. Heard the submission of the learned counsel appearing on behalf of the State and on perusal of the case record, this Court finds

one Smt. Ratna Mandal, wife of Sushanta Mandal, made accusation against the Petitioner that on 18.05.2020 at about 20 hrs, a hot altercation took place between them. Suddenly, the accused person attacked and assaulted the husband of the complainant and when she tried to save her husband, the accused person assaulted her and outraged her modesty and also threatened with dire consequences. She was treated at Mudipukur Hospital. After receiving the said complaint, an FIR was lodged being FIR No. 101 of 2020 dated 23.05.2020 under Sections 341/323/325/354/506 of the Indian Penal Code, 1860 against the Petitioner.

9. After registration of the said FIR, it was endorsed to the Investigating Officer for its investigation. During investigation, the Investigating Officer visited the Place of Occurrence and examined the witnesses and recorded their statements under Section 161 of the Cr.PC in separate sheets of papers. It appears from the Case Diary that the Investigating Officer has also collected the Injury Report of the victim/opposite party no. 2, Smt. Ratna Mandal. Upon culmination of the investigation, a Charge Sheet vide Bamongola P.S. Charge Sheet No. 99/2020 dated 05.06.2020 under Sections 341/323/506 of the Indian Penal Code, 1860 has been submitted against the present petitioner.

10. Upon perusal of the statement of the eye witnesses, it appears that they have narrated the incident as similar as of the complainant. During such hot altercation, the petitioner herein assaulted her and she sustained injuries. Medical documents i.e. Injury Report also indicates that she sustained injuries though the injury was minor.

11. In view of the above facts, this Court does not find arbitrariness in filing the Charge Sheet from the side of the Investigating Officer. From the case record, it appears there are sufficient materials against the present petitioner with regard to the alleged offences as such Charge Sheet has been submitted against the present petitioner.

12. In view of the facts, this Court is of the opinion that the instant Criminal Revisional application has no merit. Hence, it would not be appropriate and proper to quash the proceedings without justified reasons.

13. Consequently, **C.R.R. 1003 of 2022** is, thus, **dismissed**. All connected applications, if any, are also, thus, disposed of.

14. Case Diary, if any, is to be returned to the learned counsel for the State.

- 15.** Interim order, if any, stands vacated.
- 16.** Let a copy of this judgment be sent to the learned Court below for information.
- 17.** Parties shall act on the server copies of this judgment uploaded on the official website of this Court.
- 18.** Urgent photostat certified copy of this judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)