

11.09.2024
Sl.No. 17
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 1818 of 2017
With
CRAN 1/2017 (Old CRAN 4754/2017)

Sudakshina Banerjee @ Mukherjee
Vs.
The State of West Bengal and anr.

Ms. Faria Hossain
Ms. Mamata Jana.....for the State

1. Nobody appears on behalf of the petitioner on call, no accommodation sought for.
2. Heard learned advocate appearing on behalf of the State and perused the case diary as well as the record.
3. This case pertains to the year 2017.
4. It appears from the record that the petitioner has filed this application under section 482 of the Criminal Procedure Code, 1973 praying for quashing of the proceedings of ACGR no. 7005 of 2015 under sections 325/448/341/506/34 IPC, 1860 arising out of Jadavpur PS case no. 493 of 2015 dated 24.11.2015 pending before the learned Additional Chief Judicial Magistrate, Alipore.
5. The essential fact is relevant for the purpose of disposal of this case is that on 24.11.2015 one Anjali Chowdhury, the de facto complainant made a written complaint before the Officer-in-Charge, Jadavpur PS against the petitioner and others with allegations, inter alia, that the accused person

made unlawful assembly in front of the main entrance door outside of the flat and knocked at the flat. One Samita Chowdhury, the younger daughter of the petitioner opened the main entrance door and when opened the door, the accused persons of their common intention committed trespass into the flat and started to threaten with false blame of keeping garbage on the stairs of the premises. On protest, the accused persons have started assaulted Samita with fist and blows and pulled her hair and the accused no. 1 kicked twice at her abdomen. The accused persons also assaulted her at waist, chest, back with fist, blows and kicks and knocked her on the ground. As such, she sustained injuries on her left index finger, left forearm, left arm and other parts of the body. Resulting an FIR lodged being Jadavpur PS case no. 493 of 2015 dated 24.11.2015 under sections 325/448/341/506/34 IPC and then investigating officer initiated investigation against the present petitioner and some other unknown persons.

6. After completion of the investigation, chargesheet vide chargesheet no. 61/2016 dated 8.3.2016 under sections 325/448/341/506/34 IPC has been submitted against the present petitioner along with another accused, though the case of the petitioner is false and fabricated, and no such incident took place in the place as alleged by the complainant, the petitioner is totally innocent. She has not committed any alleged offence as such she has come

up before this Hon'ble High Court praying for quashing of the above proceeding.

7. It is the further contention of the petitioner that if the proceeding is continued against the present petitioner that would be gross abuse of process of law and for the end of justice, the proceeding may be quashed so far as the petitioner is concerned.
8. Considering the submissions made by the learned advocate for the State as well as on perusal of the Case Diary, this court finds from the 161 Statement of the witnesses recorded by the Investigating officer that the accused persons have entered into the flat of the de facto complainant Smt. Anjali Chowdhury and have started abusing the de facto complainant and her two daughters and hot altercation took place between Sudakshina Banerjee @ Mujkherjee and Anjali Chowdhury. During their altercations, the present petitioner has assaulted the de facto complainant with fist, blow and kicks. Accordingly, the de facto complainant sustained injuries in her body. During investigation, medical documents were also collected by the Investigating Officer. Medical documents also corroborated the incident.
9. On perusal of the prescription and medical documents it appears that the accused person has, prima facie, assaulted the de facto complainant, who sustained injuries on her body.

10. These are prima facie incriminating materials against the present petitioner.
11. In such a situation, the petitioner is not at all substantiated that the allegations are false and fabricated, as such criminal revisional application is devoid of merits and is liable to be dismissed.
12. Hence, **CRR 1818 of 2017** is thus dismissed and consequently the application **CRAN 1/2017 (Old CRAN 4754/2017)** is thus disposed of.
13. Interim order, if any, stands vacated.
14. Let a copy of this order be communicated to the learned court below immediately for information.
15. All parties are to act in terms of the copy of this order downloaded from the official website of this court.
16. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)