

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 3502 of 2011

Sukla Biswas (Majumdar)

-Vs-

The State of West Bengal and Anr.

For the Petitioner : Mr. Golam Mustafa

For the State : Mr. Binay Panda
Ms. Puspita Saha

Heard on : 21.02.2024, 07.03.2024, 15.03.2024,
21.06.2024

Judgment on : 13.08.2024

Ananya Bandyopadhyay, J.:-

1. The instant revisional application has been filed by the petitioner for quashing of the proceedings of Nabadwip P.S. Case No.164 of 2010 dated 23.06.2010 in G.R. Case No.160 of 2010 pending before the Court of Judicial Magistrate, 1st Class, Nabadwip.
2. The Mission Director, National Rural Health Mission, West Bengal issued an advertisement in the 'Anandabazar Patrika' on July 28, 2008 inviting applications from suitable candidates for filling up the posts of 2nd A.N.M. in different Primary Sub-Health Centre's in different districts.
3. The petitioner applied for the aforesaid post for Bablari Sub Centre and subsequently secured first position in the merit list and was sent for training to be posted at the aforesaid sub centre after completion of the

same. Smt. Madhabi Saha who was enlisted in the second position in the panel complained before the S.D.O., Sadar Krishnanagar, Nadia challenging the residential status of the petitioner during the substancy of the training period of the petitioner. After an enquiry, the complaint as aforesaid was rejected. Subsequently she lodged further complaints along with the opposite party no. 2 before the S.D.O. After a discreet enquiry into the allegations raised by the complainant on hearing of the parties and scrutinizing the relevant documents the complaints by the parties were rejected.

4. A writ petition being WP No.2139 of 2010 was filed by Smt. Madhabi Saha challenging the order of rejection of the S.D.O. as aforesaid.
5. During the pendency of the aforesaid writ petition, the opposite party no. 2 continued lodging complaint against the petitioner claiming her training for the stipulated post to be illegal since her in-laws' house was at a different place contrary to the rules prescribed with regard to the residence of the petitioner. Since at the time of initiation of the training, the petitioner submitted a xerox copy of the card of her father's house.
6. Based on the said complaint, Nabadwip P.S. Case No.164 of 2010 dated 23.06.2010 under Sections 420, 468 and 471 of the Indian Penal Code was registered.
7. Learned Advocate for the petitioner contended as follows :-
 - i. The petitioner being a resident of Bablari submitted the application for 2nd A.N.M. In all respect the petitioner was a better candidate than Madhabi Saha and on her merit the petitioner was selected and sent for training.

- ii. The opposite party no.2 without any reason just to use the document in the writ petition or in the pending case in the Hon'ble High Court filed the petition of complaint with vague allegation and the same was liable to be set aside.
- iii. From the enquiry report and the order passed by the S.D.O. It was apparent and clear that there was no illegality in the selection of the petitioner.
- iv. From the unimpeachable documents and the materials on record it was apparent and clear that the alleged incident was improbable and no such incident occurred as alleged or at all. The petition of complaint was filed by the opposite party no.2 with mala-fide intention and oblique motive to harass the petitioner.
- v. The alleged document was never used to get the job and as such there was no ill-motive of the petitioner. There was no chance of conviction in the impugned criminal case and the continuance thereof was nothing but harassing and futile exercise of power and wastage of public money and valuable time of the court.

8. The Learned Advocate for the State submitted that the allegations against the present petitioner need to be determined through proper enquiry and at the nascent stage the investigation should not be quashed and the revisional application should be dismissed.

9. The petitioner had been an applicant for a post under the Government office of S.D.O. which was the appropriate authority to consider the veracity of the contents of the filled up application form and the annexed documents. The opposite party no. 2 was neither the appropriate authority nor was he aggrieved by the appointment of the petitioner at the aforesaid post. The

fraudulent act on the part of the petitioner if at all through deception or forgery fell within the domain of the appointing authority to deal with the same. The appointing authority did not implicate the petitioner and had exculpated her. Moreover, the writ petitions filed by the opposite party no. 2 and others were not entertained by the High Court at Calcutta.

10. To allow the instant proceedings to continue would result in the process of abuse of law and cause encumbrance to the Court functioning in terms of sheer wastage of Court hours and manpower. Criminal proceedings cannot be allowed to proceed to subserve personal grudge or grievance of the complainant.
11. In view of the above discussions, Nabadwip P.S. Case No. 164 of 2010 dated 23.06.2010 in connection with G.R. Case No. 160 of 2010 pending before the Learned Judicial Magistrate, 1st Class, Nabadwip is quashed.
12. Under such circumstances, the instant criminal revisional application being CRR 3502 of 2011 is allowed.
13. Accordingly, CRR 3502 of 2011 stands disposed of.
14. There is no order as to costs.
15. Let the copy of this judgment be sent to the Learned Trial Court as well as the police station concerned for necessary information and compliance.
16. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)