

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

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 239 of 2024

Suranjan Mondal @ Suranjoy Mandal

Versus

The State of West Bengal and Another

For the Petitioner : Mr. Amarendra Chakraborty, Adv.
Mr. Tonmoy Chatterjee, Adv.

For the State : Mr. Arindam Sen, Adv.
Mr. Sufi Kamal, Adv.

Heard on : 18.09.2025

Judgment on : 18.09.2025

Ajay Kumar Gupta, J:

1. Heard the learned Counsel appearing on behalf of the respective parties. Earlier, CRR 239 of 2024 and CRR 240 of 2024

were tagged together for analogous hearing. But, during hearing, it appears both the cases are totally different and arose out from two different FIRs. Therefore, CRR 240 of 2024 has been de-tagged from CRR 239 of 2024 and heard separately.

2. Learned Counsel appearing on behalf of the petitioner also filed written notes of arguments. The same is kept with the record.

3. The petitioner being an accused has preferred this revisional application under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of criminal proceedings being G.R. Case No. 1467 of 2022 arising out of Itahar Police Station Case No. 325 of 2022 dated 30.05.2022 under Sections 341/323/506 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur.

4. The brief facts of the case are that the opposite party no.2 lodged a written complaint before the concerned Officer-in-charge of Itahar Police Station alleging inter alia that the accused persons have tried to take possession of the pond of the opposite party no.2 forcefully on many occasions. Finally on 15th May, 2022 at about 4:00 P.M. at the instigation of the accused Bablu Hemram, other accused persons forcibly started cultivating fish from the said pond belongs to the opposite party no.2 and when the opposite party no.2 protested, the accused persons assaulted her with fists and blows and also use of criminal force to a woman with the intent to disrobe

and further the accused Habibur Rahaman took away a silver chain weighing two bhories from her neck, resulting registration of Itahar Police Station Case No. 325 of 2022 dated 30.05.2022 under Sections 341/323/354B/379/34 of the Indian Penal Code.

5. After culmination of investigation, the said Sections were brought down to under Sections 341/323/506 of the Indian Penal Code, when no other incriminating material found against other offence as alleged and ultimately charge sheet has been submitted under Sections 341/323/506 of the India Penal Code.

6. It is submitted by the learned Counsel appearing on behalf of the petitioner that the entire case is false, fabricated and concocted due to personal grudge. The entire allegation is out and out false and his client is no way connected in the case though he was implicated on graver sections. He further submits that during investigation, the same was brought to under Sections 341/323/506 of the Indian Penal Code and during investigation nothing reveals from the statement of witnesses to support the ingredient of the offence punishable under Sections 341/323/506 of the Indian Penal Code.

7. Despite service of notice, none appears on behalf of the opposite party no. 2.

8. Mr. Arindam Sen, learned Counsel appearing on behalf of the State produces the case diary and submits that during investigation statements were recorded under Section 161 of the Code of Criminal

Procedure and from the statements it reveals that de-facto complainant was pushed and she fell down during scuffle. Therefore, this is not a fit case to quash the proceedings.

9. Having heard the submissions of both the sides and upon perusal of the materials available in the records as well as the case diary particularly the statements recorded under Section 161 of the CrPC by the Investigating Agency, this Court does not find any sufficient materials in support of the offence punishable under Sections 341/323/506 of the Indian Penal Code. No injury report or any supporting evidence transpires from the entire case records against the present petitioner.

10. In view of the facts as stated above, this Court finds that this is a fit case to quash the proceedings otherwise cause serious prejudice and great oppression to the petitioner.

11. We should not forget at this moment the well-settled law declared by the Hon'ble Supreme Court in the case of ***State of Haryana & Ors. vs. Bhajanlal & Ors.***¹. The Hon'ble Supreme Court has laid down the basic points for consideration pursuant to which a complaint may be entertained in accordance with law before a Court of law. The Hon'ble Court has laid down as to when the extraordinary power of this Court under Section 482 of the Code of Criminal

¹ AIR 1992 SUPREME COURT 604: 1992 Supp. (1) Supreme Court Cases 335

Procedure, 1973 may be espoused. Relevant portion thereof may beneficially be quoted herein below: -

“102. This Court in the backdrop of interpretation of various relevant provisions of CrPC under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 CrPC gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under

an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

12. In the light of above discussions and in view of observations made by the Hon’ble Supreme Court in the above cited judgment, this Court fully satisfies that this case falls in the Categories mentioned in 3 and 7 above against the petitioner is concerned.

13. Accordingly, **C.R.R. 239 of 2024** is **allowed**.

14. Connected applications, if any, are also, thus, disposed of.

15. The proceedings being G.R. Case No. 1467 of 2022 arising out of Itahar Police Station Case No. 325 of 2022 dated 30.05.2022 under Sections 341/323/506 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur is quashed insofar as the petitioner is concerned.

16. Let a copy of this judgment be communicated to the Court below at once for information.

17. Case diary be returned.

18. Interim order, if any, stands vacated.

19. All parties are to act in terms of the copy of this judgment downloaded from the official website of this court.

20. Urgent Photostat certified copy of this judgment, if applied for, is to be given expeditiously to the parties upon compliance of all legal and necessary formalities.

(Ajay Kumar Gupta, J)

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