

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 429 OF 2025
BAPPA KSHETRAPAL
VS
THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Pratip Mukherjee, Adv.
Mr. Sakir Hossain, Adv.
Mr. Pratap Kumar Yadav, Adv.

For the State

Respondent : Mr. Anasuya Sinha, A.P.P
Ms. Rajnandini Das, Adv.

Last heard on : 26.08.2025

Judgement on : 01.09.2025

CHAITALI CHATTERJEE DAS, J. :-

1. This criminal revisional application filed under Section 528 of BNSS, 2023 by the petitioner is for quashing of the charge-sheet being charge-sheet No. 225 of 24 dated 31.7.2024 in connection with Gurap P.S case number 217 of 2024 dated 14.6.2024, under Sections 341/323/354/436/506/34 of the Indian Penal Code pending before the Learned Chief Judicial Magistrate Sadar, Hooghly.

- 2.** The case of the petitioner in a nutshell is that on April 1, 2024 at around 11 P.M., when the complainant was engaged for cooking in the kitchen, all the accused persons along with others set fire in the straw made cow shed of the complainant and it was badly damaged and as a result, two goats died and two cows got serious injuries. After that the complainant with the help of our family members doused the fire by water. The complainant suffered financial loss to the tune of ₹75,000 because of such incident of fire.
- 3.** It was further alleged by the complainant that on May 14, 2024 at about 11:30 hours. The complainant was returning from field when the petitioner in front of their house was assaulted by fist and blows and also they outraged her modesty and hearing her shout, her daughter and other family members came to the spot to rescue the petitioner from the accused persons, and they were also assaulted and the modesty of the daughter of the complainant was also outraged. Their further stand is that the court accordingly a complaint was registered upon direction of the learned Chief Judicial Magistrate, Sadar, Hooghly in an application made under Section 156.(3) of Cr.PC and accordingly an FIR was lodged by the group Police Station being FIR number 217 of 2024.
- 4.** It is the further case of the petitioner that the accused persons including this petitioner applied for anticipatory bail and but by an order dated September 12, 2024 it was refused against the petitioner extended in favour of the two other accused persons barring the present petitioner. It is his specific case that on October 20, 2023, the petitioner fell down from the rooftop and one Sameer Khetrpal took him to the Bardhaman Medical College and since thereafter he is unable to work properly as the injury sustained was very severe. He is under

regular check-up with NRS medical College and the medical records pertaining to the petitioner shows serious health condition and is under continuously treatment by medical doctors of government Hospital.

5. It is strenuously argued by the Learned Advocate representing the petitioner that under no circumstances, it was possible for the petitioner to take part in any incident as complained by the de-facto complainant and it is imperative that petitioner has been falsely implicated along with other accused persons. It is further submitted that on May 12, 2024 one Hadu Khetrapal, Uttam Khetrapal, Biru, Khetrapal made a brutal attack upon the petitioner and a pregnant lady, namely Purma Khetrapal, and the sister-in-law of the petitioner in pursuance of the injuries sustained by the petitioner and he was again taken for medical treatment to local primary health Centre and FIR was registered being FIR number 176 of 2024 dated May 12, 2024, Section 341/323/325/354/504/34 of the Indian Penal Code against those persons and as a counter blast to the same this false complaint has been filed. Petitioner accordingly, prays for quashing of the proceeding.

6. Prosecution has raised objection and submit that Charge sheet has been submitted in this case against the present petitioner after investigation. It is candidly submitted that the statements recorded by the witnesses before the Magistrate under Section 164 Cr.PC are all related to the previous incident not connected with the instant complaint.

7. Heard the rival contention and perused the copy of the CD as placed before this Court on behalf of the prosecution/Opposite Party. In this case, the petitioner has filed one supplementary affidavit, incorporating all the medical papers of the petitioner. On given a cursory glance to the same, it is seen that

history of traumatic brain injury in October 2023, including intra cerebral haemorrhagic contusion, patron temporal fracture post traumatic epilepsy and fracture of radius are mentioned in the prescription and the doctor further recorded the current issues like behavioural abnormalities, seizure epilepsy, memory impairment. The CT scan report is also perused .On further perusal of the statement given by the de-facto complainant before the Learned Magistrate, and other witnesses are all related to the incident happened earlier which pertains to injury suffered on account of the fall of the petitioner from the roof and others on the roof were consuming liquor but later the petitioner claimed ₹70,000 for the treatment and that has to be paid by the present de-facto complainant and her family members. Nothing is found against the present petitioner regarding the incident as assailed in the complaint dated April 1, 2024 at about 11:30 PM. The court while exercising its jurisdiction under section 482 Cr.Pc. did not restrict itself only to the stage of a case, but is empowered to take into account the overall circumstances leading to the registration of the case, as well as the materials collected in the course of investigation. The Hon'ble Supreme Court has recently reiterated that High Court is empowered under Section 482 Cr.Pc. to quash even after the charge-sheet is filed if the court is satisfied that continuing the proceeding would be an abuse of the process of law. In the landmark case of ***State of Haryana versus Bhajanlal & Ors.*** ¹, the Hon'ble Supreme Court laid down the categories of cases where the inherent powers under Section 482 would be exercised for quashing of an FIR, which are as follows:-

¹ AIR 1992 Supreme Court 604

a) 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;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R 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;

(c) 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;

(d) 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;

(e) 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;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (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

concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) 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.

- 8.** It is also no more res Integra that the inherent power should be exercised, sparingly, and the powers under this provision are wide and discretionary, but should be exercised judiciously and with great caution. In this case, the petitioner has annexed one application filed under 175(3) of BNSS before the Court of CJM Chinsurah, Hooghly against the persons who are the relatives of de-facto complainant for the alleged attack on the head of the present petitioner and also to throw him out from the roof and this complaint was lodged on 13th of November 2024, alleging the incident, October 19, 2023. The instant complaint has been lodged by the complainant on June 14, 2024, in respect of an incident alleged to have happened on April 1st, 2024 which primarily shows that the petitioner lodged the complaint after which the instant complaint has been filed by the complainant being an accused in the complaint by the petitioner. On perusal of the charge-sheet submitted in connection with this complaint filed not a single word is used against the present petitioner regarding his slightest involvement excepting one incomplete sentence that “and held raid several times at the house and possible place of the accused persons and as per statement accuse Khetrapal son of Lt.’
- 9.** The purpose of Section 482 is to prevent the abuse of the process and securing the ends of justice. As discussed above, in view of one of the required

parameters to invoke the jurisdiction of Section 482 of Cr.Pc and 528 of BNSS is when a criminal proceeding is clearly motivated by malice or ulterior motive, such as personal grudges and said parameter is clearly visible in this case. The medical condition of the petitioner as revealed from the prescription of the doctor, R Ghosh dated March 17, 2025 which prima facie shows the incapacity of the petitioner to involve with the nature of offence as alleged and in absence of any such observation in the charge-sheet to proceed against the petitioner, this Court is of the view that if the proceeding is allowed to be continued it would be sheer waste of judicial hour and abuse of the process of law and hence the charge sheet is liable to be quashed.

10. In the light of above discussion this criminal revision application stands allowed and the charge sheet submitted being charge-sheet No. 225 of 24 dated 31.7.2024 in connection with Gurap P.S case number 217 of 2024 dated 14.6.2024, under Sections 341/323/354/436/506/34 of the Indian Penal Code is hereby quashed so far the petitioner Bappa kshetrapal is concerned.

11. Case Diary be returned forth with.

12. Urgent certified copy if applied by any of the parties to be supplied subject to observance of all formalities.

(CHAITALI CHATTERJEE DAS, J.)