

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 910 of 2025

Sudina alias Sudipa Sarkar and another
Vs.
The State of West Bengal and another

For the Petitioners : Mr. Subir Banerjee, Adv.
Mr. Sandip Bandyopadhyay, Adv.
Ms. Ruxmini Basu Roy, Adv.

For the State : Ms. Shreyashi Biswas, Adv.
Md. Ejaz Akhtar, Adv.

Heard on : 28.11.2025

Judgment on : 28.11.2025

Ajay Kumar Gupta, J:

1. This instant revisional application has been filed by the petitioners under Section 528 read with Section 442 of the BNSS, 2023 corresponding to Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 challenging the legality, propriety and

correctness of the order dated 23.12.2024 passed by the learned Additional District and Sessions Judge, Fast Track Court-I, Raiganj, Uttar Dinajpur thereby rejecting the prayer of the accused persons for their discharge filed under Section 227 of the Code of Criminal Procedure from the Sessions Case being No. 243 of 2023 under Sections 307/325/306/34/498A of the IPC and further seeking quashing of the proceedings being G. R. Case No. 1071 of 2018 arising out of Kaliyaganj Police Station Case No. 131 of 2018 dated 18.08.2018 under Sections 498A/325/307/506/34 of the IPC and the charge sheet thereof.

- 2.** Petitioner no. 1 is the sister-in-law of the opposite party no. 2, and petitioner no. 2 is the mother-in-law of opposite party no. 2. It is their submission that they reside separately and have been falsely implicated in this case. They never interfered with the matrimonial life of the opposite party no. 2. They further contends that she actually sustained injury in a Road accident as reflected in the Medical treatment papers.
- 3.** On the contrary, the de facto complainant/opposite party no. 2 contends and has alleged in the written complaint that she got married to Sudip Sarkar on 07.03.2013 in accordance with Hindu Rites and Customs. One girl child was born from the said wedlock. After the birth of the child, her husband and in-laws started physical

and mental torture upon the complainant due to non-fulfilment of their further demand of dowry. On 15.07.2018, with the intention to kill the complainant, the accused persons assaulted her, which led her to leave her marital home with her daughter. She further alleges that due to the assault, she suffered injury and was admitted to Raiganj District Hospital for treatment.

- 4.** She also alleges that her husband and in-laws always demanded that she bring more money from her parents. On many occasions, she fulfilled their demand, but that was not satisfactory for them. When she objected, her husband assaulted her physically at the insistence of her in-laws. An FIR was registered, being Kaliaganj P.S. case No. 131/18 dated 18.08.2018 under Sections 498A/325/307/506/34 of the IPC.
- 5.** Subsequently, a charge sheet, being No. 131/18 dated 18.08.2018 had been submitted against the present petitioners, including the other two accused persons, under Sections 498(A)/325/307/506/34 of the IPC after culmination of the investigation.
- 6.** Having heard the learned counsels for the respective parties and upon perusal of the materials available in the case diary, this Court finds there is sufficient material against the present petitioners with regard to the alleged offences. The statements of the neighbours recorded under Section 161 of the Cr.P.C., and other medical

treatment documents are sufficient to establish a case against the present petitioners.

7. Considering the aforesaid facts, the Trial Court rejected the prayer for discharge of the present petitioners vide order dated 23.12.2024.
8. This Court also finds a prima facie case has been established against the accused persons. In such a situation, this Court is not inclined to quash the instant proceeding because all the facts of the allegations are required to be considered after the conclusion of the trial.
9. It is essential to rely on the principles laid down by the Hon'ble Supreme Court in the case of ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others***¹, to be followed by the Court while exercising its power under Section 482 of the Cr.P.C. or under Article 226 of the Constitution of India, a few of which are as follows:-

“i) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases’ (not to be confused with the formation in the context of death penalty).

ii) Criminal proceedings ought not to be scuttled at the initial stage;

iii) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

¹ **2021 SCC OnLine SC 315**

iv) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court;

v) While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

vii) When a prayer for quashing the FIR is made by the alleged accused and the Court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the Court has to permit the investigating agency/police to investigate the allegations in the FIR.”

10. In view of the above-mentioned facts and prima facie materials available in the case diary, this Court does not find any infirmity or error in the impugned order rejecting the prayer for discharge.
11. The instant Criminal Revisional application is devoid of merit.
12. In view of the aforesaid facts and circumstances, **CRR 910 of 2025** is **dismissed**. Consequently, connected pending applications, if any, are also disposed of.
13. Interim order, if any, stands vacated.
14. Let the judgment be communicated to the Learned Court below for information.
15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, taking all legal formalities.

(Ajay Kumar Gupta, J)

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