

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1463 of 2025

Jibannath Mahato @ Mahata & Ors.

Vs.

The State of West Bengal & Anr.

For the Petitioners	:	Ms. Kiran Mahato, Mr. Devranjan Das.
For the State	:	Mr. Suman De, Mr. Kaustav Banerjee.
For the OP No.2	:	Mr. Arkaprabho Roy
Heard on	:	08.05.2025
Judgement on	:	08.05.2025

Jay Sengupta, J. :

1. This is an application for quashing of proceeding in Simlipal P.S. Case No.91 of 2024 under Sections 329(3), 126(2), 115(2), 117(2), 74, 35, 1(2) and 3(5) of the BNS.
2. Affidavit of service filed on behalf of the petitioners is taken on record.

3. Learned counsel appearing on behalf of the petitioners submits as follows.
The petitioner nos.2 and 3 are the parents of the petitioner no.1. A false case was instituted after about 48 hours of the incident by the de facto complainant. This is a counter case. The first case, which was started from the end of the petitioners, actually gave out the real facts. This counter case was foisted for damaging the career of the petitioner no.1. There is a charge sheet submitted in that case. No prima facie case is made out against the present petitioners as would be evident from a plain reading of the First Information Report and any further continuation of the impugned proceeding shall be an abuse of the process of Court. In fact, it is an absurd allegation that the petitioner no.2 who is aged about 83 years and the petitioner no.3 who is aged about 75 years could commit such offences. Moreover, the land in question belongs to the petitioner no.3.
4. Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for quashing and submits that a prima facie case is clearly made out as would be evident from a plain reading of the First Information Report.
5. Learned Counsel appearing on behalf of the State opposes the prayer, relies on the case diary and submits as follows. The statements of independent witnesses support the prosecution case to a certain extent.

Although there is no grievous hurt, there are injury reports present in the case diary.

6. I have heard the submissions of the learned Counsels appearing on behalf of the parties and have perused the revision petition as well as the case diary.
7. From a careful perusal of the records, it does not appear that any grievous hurt was committed by any of the accused. Therefore, the charge sheet is quashed so far as the charge under Section 117(2) of the BNS is concerned.
8. At this stage, no further interference can be done with the proceeding. However, it shall be open to the learned Trial Court to frame appropriate charges, if any.
9. As there are two cases filed by the adverse sides in connection with the incidents that happened in the said transaction, both the cases being FIR No.91 of 2024 and FIR No.87 of 2024 would have to be tried together, one after the another.

10. The petitioners shall be at liberty to take up all the points available to them including the ones taken up herein and the learned Trial Court shall not be swayed by any observation herein.
11. With these observations, the revisional application is disposed of.
12. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)