

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

**PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR**

CRR 1336 of 2018

**Dr. Arun Sankar Syamal @ Arun Sankar Syamal
-Vs-
The State of West Bengal & Anr.**

For the Petitioner : Mr. Mritunjoy Chatterjee

For the Opposite Party No. 2 : Mr. Sagnik Roy Chowdhury
Mr. Trijit Mitra

For the State : Mr. Dipankar Paramaick

Hearing concluded on : 31.10.2025

Judgment on : 14.11.2025

UDAY KUMAR, J.: –

1. Invoking the extraordinary inherent jurisdiction vested under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the petitioner seeks the quashing of the entirety of the criminal proceedings arising from Ramnagar P.S. Case No. 02 of 2018. The petitioner, Dr. Arun Sankar Syamal, a highly distinguished retired academician, is charged with grave offences, including those under Sections 447, 323, 325, 354 (Outraging Modesty/Molestation), 506, and 379 (Theft) of the Indian Penal Code (IPC). The initiation of these charges, particularly the allegations of molestation (S. 354 IPC) and theft (S. 379 IPC), is *prima facie* suspect and must be scrutinized against the backdrop of a long-standing proprietary (civil) feud. The core assertion of this petition is that the prosecution is not grounded in a genuine offence but constitutes a

patent and manifest abuse of the process of law, maliciously orchestrated following the Opposite Party's decisive civil defeat.

2. The foundational facts unequivocally establish that the prosecution is not a genuine pursuit of justice but rather the direct result of malicious retaliation stemming from this protracted proprietary dispute between the petitioner and his brother's family. The petitioner's title to the property was definitively secured in a partition suit, a judgment affirmed by this Hon'ble Court in F.A. No. 08 of 2004. This conclusive proprietary defeat suffered by the Opposite Party No. 2's family furnishes the undeniable and overriding motive for the institution of the instant criminal action.

The Vitiating Chronology (Structural Fabrication)

3. The fabricated nature and inherent malice of the charges are conclusively confirmed by the vitiating chronology of events. The opposite party no. 2's earliest legal recourse—the Section 107 Cr.P.C. proceeding filed on October 23, 2017, immediately post-incident—conspicuously omitted any mention of the grave, non-bailable offences of outraging modesty (S. 354 IPC) or the snatching of a gold chain (S. 379 IPC). Crucially, these serious charges were only introduced in the impugned First Information Report (FIR) lodged 85 days later (January 01, 2018). This fundamental chronological inconsistency establishes that the allegations of grave offences were a calculated and concocted afterthought, maliciously introduced solely to impart unwarranted severity to an otherwise minor, false complaint, thereby ensuring the harassment and potential custodial detention of the Petitioner.
4. The central question for this Court's determination is:

“Whether the criminal proceeding arising from Ramnagar P.S. Case No. 02 of 2018 is, in substance, a patent and manifest abuse of the process of law, orchestrated by the Opposite Party No. 2 with an ulterior motive to settle a civil proprietary score, thereby warranting intervention under the inherent powers of Section 482 Cr.P.C.?”

5. Mr. Mritunjoy Chatterjee, Learned Advocate for the petitioner, submitted that the continuation of these proceedings constitutes a patent and manifest abuse of the process of law. He argued that the criminal complaint is a direct retaliatory measure following a definitive legal defeat, squarely bringing the case within the ambit of proceedings *"maliciously instituted with an ulterior motive for wreaking vengeance,"* as contemplated by the *Bhajan Lal* guidelines. He emphasized that the conspicuous omission of the grave charges in the earliest legal documentation (S. 107 Cr.P.C. proceeding) is not a mere dispute of fact, but a legal failure demonstrating that the prosecution lacks *bona fides* from its inception.
6. Mr. Dipankar Paramanick, Learned Advocate for the State, and Mr. Sagnik Roy Chowdhury, Learned Advocate for the opposite party no. 2, opposed the application. They contended that the charge-sheet provides *prima facie* proof of sufficient material and that all issues raised are disputed questions of fact to be determined only at trial. They asserted that the Court cannot conduct a 'mini-trial' at this stage, suggesting that factors such as trauma or shame could justify the delay in reporting S. 354 IPC charges.

Court's Findings and Analysis

7. Admittedly, the genesis of this criminal action is demonstrably rooted not in a genuine offence, but in a long-standing proprietary dispute. The petitioner's decisive victory in the partition suit, a finding affirmed by the Hon'ble High

Court (F.A. No. 08 of 2004), provides the undeniable, overriding motive for the subsequent initiation of criminal proceedings. This establishes the necessary element of malice and ulterior motive against the opposite party no. 2 (O.P. No. 2).

8. This court is fully cognizant that the power under Section 482 Cr.P.C. is extraordinary and cannot be used to interrupt the normal course of trial based on factual defences. However, the present case is distinguishable, for the facts presented transcend mere defence; they constitute patent, structural abuse evident on the face of the record.
9. The existence of a civil dispute does not automatically quash criminal proceedings. However, the sequence here establishes the motive for malice as structurally undeniable. The criminal action was initiated immediately following a conclusive proprietary defeat of the O.P.'s family in the civil suit. The continuation of proceedings in such a context constitutes a manifest abuse of the process of law. This principle is decisively captured by the Hon'ble Supreme Court in ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre (1988) 1 SCC 692***:

"where the initiation of criminal proceedings is found to be based on an abuse of the process of law and the dispute is essentially of a civil nature, the proceedings are liable to be quashed."

10. The facts overwhelmingly suggest the criminal process was activated purely for this malicious purpose, thereby squarely fitting the legal definition contemplated by the *Bhajan Lal* guidelines. This is the most critical and fatal inconsistency in the prosecution's case. The Court must examine whether the O.P.'s own legal timeline demonstrates a fabrication.

11. The conspicuous omission of the grave, non-bailable offences (S. 354/379 IPC) in the S. 107 Cr.P.C. application—followed by their introduction in the FIR 85 days later—is an irreconcilable chronological contradiction. This is a failure of foundational fact that demonstrates a calculated afterthought. A victim of grave offences would naturally and immediately prioritise those threats in her earliest plea for security. Her failure to do so is conclusive proof that these charges were fabricated later to lend severity and ensure the harassment of the petitioner.

12. The contention regarding the prohibition against a 'mini-trial' must fail, as the structural improbability inherent in the complainant's own documentation mandates judicial intervention. The Hon'ble Supreme Court clarified this duty in ***Harshendra Kumar D. v. Rebatilata Koley (2011) 3 SCC 351***:

"the High Court in exercise of its inherent powers can quash the proceedings if it finds that the continuation thereof would amount to abuse of the process of law or that the ends of justice require that the proceedings ought to be quashed."

13. The documented structural fabrication renders the allegations inherently improbable, thereby overriding the *prima facie* presumption of the charge-sheet, as also observed in ***G. Sagar Suri v. State of U.P. (2000) 2 SCC 636***. The combination of the overriding motive (civil defeat) and the documented structural fabrication creates the extraordinary circumstance required for Section 482 intervention.

Final Conclusion and Operative Order

14. It is therefore safely and emphatically concluded that these facts satisfy the highest standard for judicial intervention under Section 482 Cr.P.C. The combination of the established civil vendetta motive and the irreconcilable chronological contradiction constitutes a clear and manifest abuse of the process of law, set in motion with an ulterior motive and based on charges structurally proven to be fabricated. The continuation of the proceedings is thus untenable and unsustainable in law.
15. Accordingly, this Criminal Revisional Application being CRR 1336 of 2018 is hereby allowed.
16. The entire criminal proceeding arising from Ramnagar P.S. Case No. 02 of 2018, including the First Information Report (FIR) and the subsequent charge-sheet filed against the Petitioner, Dr. Arun Sankar Syamal, is quashed *in toto* (in its entirety).
17. Consequentially, the learned Trial Court is hereby directed to immediately drop all further proceedings in Ramnagar P.S. Case No. 02 of 2018 (or the corresponding G.R. Case No.) and close the file with specific reference to this Order. The records shall stand formally consigned.
 - a. All bail bonds, if any, furnished by the petitioner, Dr. Arun Sankar Syamal, in connection with this case shall stand discharged and cancelled forthwith.
 - b. The Registry of this Court is directed to immediately communicate this Order, along with a certified copy, to the concerned Learned Additional Chief Judicial Magistrate (ACJM) and the Officer-in-

Charge of Ramnagar Police Station for immediate and necessary compliance.

- c. Any observations made herein are strictly confined to the issue of quashing under Section 482 Cr.P.C. and shall not be construed as findings on the merits of any ancillary civil or other proceedings between the parties.
- d. Interim order, if any, stands vacated.
- e. The Trial Court Record (TCR) and the Case Diary shall be sent down to the Learned Magistrate forthwith.

- 18.** Let a plain copy of this Order, duly countersigned by the Court Officer, be supplied to the Learned Advocates for the parties, as prayed for.
- 19.** Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Uday Kumar, J.)