

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

Present:
The Hon'ble Justice Debangsu Basak

C.R.R. 1932 of 2025

**Tipu Sultan Mondal & Ors.
Vs.
The State of West Bengal & Anr.**

For the Petitioners : Ms. Karabi Roy

For the Opposite Party : Ms. Minoti Gomes
Mr. Amanul Islam

For the State : Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Arani Bhattacharyya

Heard and Judgment on : September 19, 2025

Debangsu Basak, J.:-

1. Petitioners seek quashing of First Information Report bearing No. 22 of 2025 of Murutia Police Station dated January 25, 2025 under Section 85/329(4)/117(2)/109/351(2)/3(5) of B.N.S. now pending before the learned Additional Judicial Magistrate, Tehatta, Nadia.
2. Learned advocate appearing for the petitioners submits that one of the petitioners was in the room at the material point of time when the alleged incident of assault took place.

3. Learned advocate appearing for the petitioners submits that, the police complaint was lodged out of personal animosity as also grudge. It was, in fact, a counterblast to the two proceedings initiated by the husband. Husband filed a proceeding for divorce earlier in point of time. Husband also applied under Section 100 of the B.N.S.S. The defacto complainant stated that she was living at her paternal home.
4. Learned advocate appearing for the petitioners draws the attention of the Court to the sequence of events. She submits that the defacto complainant already left the matrimonial home and was staying at her paternal home when the alleged incident of assault took place on January 17, 2025. She draws the attention of the Court to the fact that no burnt wearing apparel was seized by the police.
5. In support of the contentions, the police case which is filed to settle personal score and grudges should be quashed, learned advocate appearing for the petitioners relies upon **2024 INC 953 (Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Anr.)**.
6. Learned advocate appearing for the State submits that the police filed charge sheet. He refers to the contents of the case diary.
7. The defacto complainant is represented.
8. Defacto complainant lodged a complaint *inter alia* of attempt to murder as well as mental and physical torture. Such complaint

was registered by the police as an FIR being Murutia Police Station Case No. 22 of 2025.

9. Police conducted investigations and submitted a charge sheet in respect of such FIR.
10. Case dairy contains statements recorded under Section 180 of BNSS implicating the petitioner in the police case.
11. The case diary also contains the injury report of the defacto complainant. Such injury report speaks of physical assault by the husband on the defacto complainant and the attempt of the husband to burn the defacto complainant. Injury report records that there was a smell of kerosene coming from the dress of the defacto complainant. Injury report, however, records that no physical injury was found on the body of the defacto complainant.
12. **Dara Lakshmi Narayana & Ors.** (supra) noted an earlier decision of the Supreme Court being **1992 Supp (1) SCC 335 (State of Haryana vs. Bhajan Lal)** on the issue of parameters of powers under Section 482 of the Cr.P.C. In the facts and the circumstances of **Dara Lakshmi Narayana & Ors.** (supra), the Supreme Court found that the police complaint filed by the defacto complainant was initiated with an ulterior motive to settle personal scores and grudges against the accused. Therefore, it was held that the FIR filed within the category (7) of the illustrative parameters highlighted in **Bhajan Lal** (supra).

13. **Bhajan Lal** (supra) delineates few illustrative categories in which inherent powers under Section 482 of the Cr.P.C. should be exercised by the Court. One of the illustrative parameters is whether the allegations made in the FIR 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.
14. In the facts of the present case, the police complaint makes out a case of physical and mental torture and attempt to murder. Medical report suggests and tends to corroborate the claim of an assault or an attempt to murder. Statement recorded under Section 180 of the B.N.S.S. cannot be wished away.
15. Simpliciter that there are proceedings pending earlier point of time with regard to the matrimonial disputes between the husband and the defacto complainant cannot be a parameter to say that the police complaint does not make out a cognizable case. The police complaint needs to be read to find out whether or not the same makes out a cognizable case for taking cognizance for a criminal offence.
16. In view of the discussions above, I find no merit in the present revisional application.
17. **C.R.R. 1932 of 2025 is dismissed.**

(Debangsu Basak, J.)

S.D.