

IN THE HIGH COURT AT CALCUTTA
(Criminal Revisional Jurisdiction)
Appellate Side

Present:

Justice Bibhas Ranjan De

C.R.R. 2150 of 2022

Ahona Chakraborty

Vs.

State of West Bengal & Anr.

For the Petitioner :Mr. Hare Krishna Haldar, Adv.

For the Opposite party No. 2 :Mr. Kaushik Chatterjee, Adv.

For the State :Mr. Imran Ali, Adv.
Ms. Debjani Sahu, Adv.

Last Heard on :04.08.2025

Judgment on :11.09.2025

Bibhas Ranjan De, J.

1. This is an application under Section 482 of the Code of Criminal Procedure (hereinafter referred to as CrPC) with a prayer for quashment of the proceeding of CGR Case No. 51 of 2019 arising out of Rabindra Saravor Police Station Case No. 2 of 2019 dated 04.01.2019 under Sections 506/327 of the Indian Penal Code (hereinafter referred to as IPC) read with Section 66E of the Information Technology Act, 2000 (hereinafter referred to as I.T. Act) presently pending before the Court of Ld. 3rd Judicial Magistrate, Alipore.
2. The law was put into motion by the opposite party no. 2 through a written complaint dated 31.12.2018 addressed to the officer-in-charge Rabindra Saravor Police Station alleging *inter alia* that the petitioner being the step mother of the opposite party no. 2 got married with the father of the opposite party no. 2 (since deceased) in the year 2010 and both had been residing at 4, Lake Temple Road, P.S. Tollygunge, Kolkata -700028 till the death of her father. But, since the very inception of the marital relationship, the petitioner subjected the father of the opposite party no.

2/defacto complainant to immense mental and physical torture. The petitioner allegedly even deprived the father of the opposite party no. 2 from proper medical treatment despite of his illness and the situation was so grave that the opposite party no. 2 had to admit her father to AMRI Hospital for treatment. It is further submitted that, petitioner was also involved in misappropriation of both movable and immovable properties of the father of the opposite party no. 2. When such conduct of the petitioner was opposed by the opposite party no. 2, the petitioner started hurling abuses and even threatened the opposite party no. 2 to dire consequences along with criminal intimidation. Finally on 31.12.2018 when the opposite party no. 2 returned from the United States of America, she discovered that a CCTV Camera was installed in her bed room without her consent thereby intruding into her right to privacy.

- 3.** Based on the said complaint, Rabindra Sarovar Police Station Case No. 2 of 2019 dated 04.01.2019 was registered under Sections 506/327 of the IPC read with Section 66E of the I.T. Act and upon completion of investigation charge sheet being no. 136 of 2020 was filed under Sections

506/327 of the IPC read with Section 66E of the I.T. Act and accordingly the charge was framed. However, the petitioner appeared before the Ld. Chief Judicial Magistrate, Alipore on 27.11.2019 and was enlarged on bail. Being aggrieved with the impugned criminal proceeding this application has been preferred by the petitioner.

Argument advanced:-

4. Mr. Hare Krishna Halder, Ld. Counsel, appearing on behalf of the petitioner has primarily sought for quashing of the case on the following grounds:-

- The uncontroverted allegations made in the FIR along with the materials collected during investigation do not make out any criminal offence under the Sections upon which charge has been framed.
- Ld. Counsel has further highlighted the fact that no CCTV was allegedly recovered by the investigating agency from the bed room of the opposite party no. 2 but the copy of the seizure list that has been supplied to the petitioner reveals that the hard disk, camera and pendrive referred to in the purported charge sheet was seized at the office of

the Rabindra Sarovar Police Station as produced by the opposite party no. 2.

- Lastly, Mr. Halder has contended that the petitioner was served only with statement of 5 witnesses in compliance of with the provision of Section 207 of the CrPC but she was not supplied with either the contents of the hard disk, camera and pendrive. Moreover, no certification under Section 65B of the Indian Evidence Act has been furnished which is mandatory in case of usage of electronic evidence. Therefore, he has tried to make this Court understand that the charges leveled against the accused are absolutely groundless.

5. Mr. Halder has also informed this Court about the factual position that the petitioner had filed an application for discharge before the Ld. 3rd Judicial Magistrate, Alipore in January, 2022. However, the Court was lying vacant since 2021 till the time of filing of the quashing application and due to that the only effective alternative relief available to the petitioner was to seek quashing of the impugned proceeding by invoking inherent jurisdiction under Section 482 of the CrPC.

- 6.** In opposition to that, Mr. Kaushik Chatterjee, Ld. Counsel, appearing on behalf of the opposite party no. 2 at the very outset has vociferously contended that the trial in connection with this case has already commenced and even next date has been fixed on 09.12.2025 for further examination in chief of the opposite party no. 2/defacto complainant but despite being aware of the ongoing trial the petitioner by suppressing material facts has preferred the instant application under Section 482 CrPC.
- 7.** Mr. Chatterjee has further added that the FIR and charge sheet clearly indicate the installation of the CCTV in the bed room of the opposite party no. 2. The seizure list further buttress the evidence of the seizure of CCTV and its components from the said location.
- 8.** Before parting with, Ld. Counsel has submitted that neither any objection was ever raised nor any application was preferred by the petitioner at the time of supply of documents under Section 207 CrPC alleging non-supply of any document relied upon by the prosecution. Therefore, Mr. Chatterjee has tried to negate the claim of the petitioner that

lack of documents is preventing a free trial as it is allegedly unfounded and devoid of any merit.

9. In support of his submission, Mr. Chatterjee has relied on a series of cases:-

- ***Shuvendra Mullick vs. Indranil Mullick and others, 2025 SCC OnLine Cal 1245***
- ***Supriya Jail vs. State of Haryana and another, 2023 SCC OnLine SC 765***
- ***Rajesh Bajaj vs. State NCT of Delhi and others, (1993) 3 Supreme Court Cases 259***
- ***Padal Venkata Rama Reddy vs. Kovvuri Satyanarayana Reddy, (2011) 12 Supreme Court Cases 437***

10. Through the above referred cases, Mr. Chatterjee has tried to remind this Court the settled proposition of law duly ratified by the Hon'ble Apex Court in a plethora of decisions that it is not necessary for a complaint to verbatim reproduce in the body of the complaint all the ingredients of the offence alleged nor is it necessary that the complaint should state in so many words that the intention of the accused was dishonest or fraudulent. Whether all the ingredients of the

offence have been precisely spelled out in the complaint is not required at the stage of exercising inherent jurisdiction under Section 482 of the CrPC. Moreover, though the High Court has inherent power and its scope is very wide, it is a rule of practice that it can only be exercised in exceptional cases with utmost circumspection.

- 11.** Mr. Imran Ali, Ld. Counsel, appearing on behalf of the State by relying on the evidence collected during investigation has submitted that a prima facie case has been well established against the petitioner and exercise of inherent jurisdiction at this nascent stage of trial would be in contrast to the settled mandate of law in this regard.

Analysis:-

- 12.** Having heard the rival contentions adduced on behalf of the parties, the following issues have come up for consideration:-

Issue A:- Whether the allegations made in the First Information Report and the materials collected during investigation make out any prima facie offence or not?

Issue B:- Whether non-supply of the electronic evidence in connection with this case in compliance with provision of

Section 207 of CrPC renders the entire impugned proceeding liable for exercise of inherent jurisdiction?

- 13.** In response to **Issue A**, the material requirement is to make a proper scrutiny of the written complaint which is the genesis of the impugned proceeding. After careful perusal of the same as well as after going through the case diary especially the seizure list and the statement of witnesses collected during investigation under Section 161 of the CrPC, this Court cannot accept the submission adduced on behalf of the petitioner that the uncontroverted allegations made in the FIR and the purported materials collected during investigation do not prima facie make out any offence as the written complaint specifically contained certain allegations against the accused/petitioner which cannot be said to be omnibus in nature. Moreover, the contents of the case diary include seizure of certain electronic evidence which is under question. Now, if there is confusion and contradiction with regard to the veracity of the seized article and the place of seizure as pointed out by Mr. Halder, Ld. Counsel for the petitioner, that in my humble opinion cannot be a subject

matter of an application under Section 482 of the CrPC. Therefore, Issue A is decided against the petitioner.

14. Now coming to **Issue B** with regard to non-compliance of Section 207 of CrPC, it would be axiomatic to re-iterate the settled proposition of law enunciated by the Hon'ble Apex Court that non-supply of some documents under Section 207 Cr.P.C. is a procedural irregularity and, by itself, is not a sufficient ground to quash the entire proceeding as accused can procure and produce the document at the appropriate stage after raising this issue before the Trial Court.

15. The procedural requirement under Section 207 Cr.P.C. is aimed at ensuring that the accused is aware of the material against him. The failure to supply some documents is a procedural irregularity, not a substantive defect. Quashing of proceedings is a drastic measure, justified only if such irregularity causes prejudice, hampers the right to a fair trial, or results in miscarriage of justice which cannot be said to be applicable in the present factual matrix of the case at hand.

16. More so, the Hon'ble Apex Court in various landmark decisions has made a very clear suggestion that the High

Court's while exercising its power under Section 482 of the CrPC **is not required to conduct a mini trial** as this is not the stage where the prosecution/ investigating agency is required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency. Therefore, the Hon'ble Apex Court handed down that if the High Court while exercising inherent jurisdiction under Section 482 of the CrPC makes an observation that the charges against the accused are not proved, by going in detail in the allegations and the material collected during course of the investigation against the accused, then they will commit material err in doing so.

- 17.** As at the stage of discharge and /or while exercising the power under Section 482 of the CrPC, the Court has a very limited jurisdiction and is only required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not." In addition to that the Hon'ble Apex Court has further held that at the **initiation of the Criminal Proceedings, whether the criminal proceedings are malicious or not, is**

not required to be considered at the stage of quashing as it is required to be considered only at the conclusion of the Trial. The only material requirement which is to be considered is a prima facie case and the material collected during investigation, which warrants the accused to be tried.

18. I have gone through the case diary and from there it appears that a good number of evidence has been collected by the Police during investigation. Keeping in mind that context, in no stretch of imagination it can be said that the allegation made in the complaint is devoid of merits and does not prima facie constitute the alleged offence. It is too premature a stage, to focus on the veracity of the prosecution case as it is a settled proposition of law that **the High Court in exercise of its jurisdiction under Section 482 of Cr.P.C does not function either as a Court of appeal or revision**, also having no power to conduct a mini trial.

19. To exercise the inherent power under Section 482 of the Cr.P.C is not the rule but it is an exception which can be applied only if it appears to the Court that miscarriage of justice would be committed if the trial is allowed to proceed further. This Court is also not oblivious to the settled

proposition of law that this Court cannot function either as a Court of appeal or revision and this power can only be exercised to prevent abuse of the process of the Court.

20. In light of the aforesaid discussion, this Court finds no other option but to dismiss the instant revision application due to being devoid of any substantial merit as all the material contradictions with regard to the alleged occurrence is a subject matter of trial and from careful perusal of the available evidence, this Court cannot conclude that the allegations made in the complaint do not prima facie make out any offence nor can it conclude that the allegations made therein are patently and inherently improbable which will make the instant revision application a fit case for quashing as per the exhaustive guidelines of the Hon'ble Apex Court.

21. As a sequel, the instant revision application being CRR 2150 of 2022 stands dismissed.

22. However, I would like to make it clear that this Court has not entered into the merit of the impugned proceeding in any manner whatsoever and the petitioner is absolutely free to raise all these points of defence before the Trial Court at appropriate stage.

- 23.** Case diary be returned at once.
- 24.** Connected applications, if any, stand disposed of accordingly.
- 25.** Interim order, if there be any, stands vacated.
- 26.** All parties to this revisional application shall act on the server copy of this order duly downloaded from the official website of this Court.
- 27.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]