

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 1758 of 2017

With

CRAN 2 of 2017

Chandan Pain & Anr.

Versus

The State of West Bengal & Anr.

For the Petitioners : Mr. Manwendra Singh Yadav, Adv.
Mrs. Saswati Chatterjee, Adv.
Mrs. Satabdi Naskar (Kundu), Adv.

For the State : Ms. Anasuya Sinha, Adv.
Ms. Dhanasree Biswas, Adv.

Heard On : 24-11-2025

Delivered on : 24-11-2025

Ajay Kumar Gupta, J:

1. The instant revisional application has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the proceedings in Matigara Police Station Case No. 90/2017 dated 20.02.2017 under Sections 420, 406, 468, 471, 408, 506 read with Section 34 of the Indian Penal Code.

2. During the pendency of the revisional application, the petitioner no. 2, Brundaban Soren expired as such his case has been filed forever.

3. The brief facts, essential for the purpose of disposal of this case, are as follows:

a. That the defacto complainant/Opposite party alleged that he never wrote the letter dated 11.12.2014 for cancellation of candidacy of his LPG distributorship due to his personal problem. He disputed his signature appearing in the said letter. He further stated that he neither visited the Siliguri Area Office after making payment of Rs. 20,000/- nor made any such application for cancellation of his LPG distributorship as contended by the Chief Area Manager, LPG in his letter dated 09.10.2015. He went on to submit that some officials of the Siliguri Area office of Oil Company were involved in a deep-rooted conspiracy, and by way of forging the signature of the complainant, caused such cancellation of the complainant's distributorship.

b. Pursuant to a written complaint made under Section 156(3) of the Code of Criminal Procedure, the Learned Additional Chief Judicial Magistrate at Siliguri directed to register an FIR. Accordingly, Matigara Police Station registered an FIR being Matigara PS Case No. 90/2017 dated 20.02.2017 under Sections 420, 406, 468, 471, 408, 506 read with Section 34 of the Indian Penal Code against the accused persons and caused investigation. Hence, this revisional application.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioner has been falsely implicated in this case and whatever allegation made therein is out and out false, concocted and fabricated, only to implicate the petitioner. Therefore, he prays for quashing the instant proceedings to prevent the abuse of process of law.

5. It is further submitted that during pendency of this case, an FRT was filed by the Investigating agency on 24th April, 2019, before the trial Court exonerated the present accused. However, upon filing such FRT, the de facto complainant filed an application under Section 173(8) of the Cr. P.C. seeking direction for further investigation contending therein that the investigation has not been done properly and such FRT has been filed only on the basis of table work.

6. Upon hearing the parties, the learned trial Court ultimately allowed the protest petition filed on 01.07.2022 and allowed further investigation dated 03.09.2022. The learned trial Court had allowed such prayer after thorough discussion with sound reasoning.

7. Therefore, at this stage it is difficult to quash the proceeding when the trial Court has already directed further investigation into the matter. Furthermore, there is no scope to enter into the matter, when the question of forgery of signature of the complainant is involved.

8. Learned counsel appearing on behalf of the State submits that the investigation is still on. However, the de facto complainant is not cooperating with the investigating agency. Such grievances may be agitated before the trial Court by the Investigating Officer.

9. For better assessment, Section 173(8) of the Code of Criminal Procedure, 1973 is hereby quoted as under:

“173. Report of police officer on completion of investigation.—

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall

forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2).”

10. In the above backdrop, this case has no merit at this stage, I am not minded to allow the prayer for quashing of the First Information Report.

11. Consequently, **CRR No. 1758 of 2017** is, thus, **dismissed**.

12. **CRAN 2 of 2017** and all connected applications, if any, are also disposed of.

13. Interim order, if any, stands vacated.

14. Petitioner may avail of the remedies either for discharge or otherwise before the trial Court, if so advised. The trial Court may dispose of the application, if any filed by the petitioner in accordance with law after giving opportunity to the parties.

15. The report, filed in Court today, is kept with the record.

16. Let a copy of this judgment be communicated to the learned Trial Court for information.

17. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

18. Urgent photostat certified copy of this judgment, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J.)

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