

04.

CRR 2312 of 2024

09.12.2025

Bd.

Ct. 29

Kartick Sarkar

Vs.

The State of West Bengal & Anr.

Mr. Angshuman Chakraborty

Mr. S.S. Saha

... for the petitioner.

Ms. Amita Gaur

Mr. Saibal K. Dasgupta

... for the State.

This application pertains to a prayer for quashing of the proceeding being S.L.No. 257/2023 presently pending before learned Additional Chief Judicial Magistrate, Tehatta, Nadia, qua the petitioner.

Petitioner's specific case is that petitioner has been falsely implicated with the instant proceeding in order to wreck vengeance for the fact that his father is the witness of criminal cases, where the alleged injured victim i.e., husband of the complainant is the accused. It is his specific case that the petitioner appeared for Staff Selection Commission Examination on the alleged date of occurrence, which was held in Kolkata and the petitioner had to travel 4/5 hours to cover the distance of 170 km. from his house at Chakchatakhali, Tehatta, to attend his examination venue in Kolkata. Therefore, it is highly improbable to the petitioner to be a miscreant to the offence alleged against him.

This Court by its earlier order dated 28.11.2025 had asked the concerned investigating officer to submit

verification report in respect of the documents annexed by the complainant in support of his alibi.

Today, S.I. of Tehatta Police Station submitted a report dated 07.12.2025, which discloses that he made necessary enquiry and came to learn that on 06.02.2025 i.e., on the previous date of occurrence, at noon the present petitioner started journey from his house and he went with his friends at Krishnanagar Government College for staying the night in order to proceed to the venue for the examination at Salt Lake on the next date to attend the examination. He further reported that he met with the petitioner, who provided train ticket and location paper on 07.02.2023, which he found to be true. It is further submitted that the petitioner has cracked in the said competitive examination and he has been selected for the appointment of the post of Constable.

Having gone through the case diary, it appears that alleged victim has not taken the name of petitioner as assailant before the doctor. Police verified the documents in support of petitioner's alibi and found those documents as true. Petitioner's alibi further strengthened by the fact that he has cracked in the examination in which he appeared on the date of occurrence.

Such unchallenged and verified documents in support of petitioner's alibi clearly demonstrates that it is highly improbable to the petitioner to be a miscreant to the offence alleged against him.

Therefore, the allegations made in the FIR against the petitioner are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the petitioner.

It is true that alibi taken by an accused are generally point of fact to be tested during trial and while adjudicating an Application under section 482 Cr.P.C, Court is not supposed to look into the annexures of the Application annexed by accused. But here the documents in support of alibi including admit card and offer letter are impeachable documents and are of sterling quality and as such are acceptable.

Therefore, Clause (5) and (7) of Paragraph 102 of the Judgment of Apex Court in **State of Haryana & Ors. – vs- Bhajan Lal & Ors., 1992 Supp (1) SCC 335** (which laid down kind of cases where power under section 482 can be exercised) clearly attracts in the present context, which runs as follows:

“ (5) where the allegations made in the FIR as complaint are so absurd and inherently improbable, on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(7) where a criminal proceeding is manifestly attended with mala fide and/or

where the proceeding is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge.”

In such circumstances, further continuance of the present proceeding qua the petitioner shall be an abuse of the process of the Court since there is hardly any chance of conviction of the petitioner at the end of trial.

In such view of the matter, CRR 2312 of 2024 is allowed.

The impugned proceeding being S.L.No. 257/2023 arising out of Tehatta Police Station Case No. 108 of 2023 presently pending before learned Additional Chief Judicial Magistrate, Tehatta, Nadia, is quashed qua the petitioner only namely, **Kartick Sarkar**.

The report submitted by S.I. Tehatta Police Station dated 07.12.2025 along with copy of offer letter dated 13.11.2025 are taken on record.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)