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C.R.R. 2212 of 2017

Ct. No.
22

In the matter of : Minu Das @ Minu Banerjee nee Das.
Petitioner.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Altaf Hossain
Mr. Mainak Ghosal
Mr. Rishab Ahmed Khan
Mr. H. Z. Molla

.... for the opposite party no.2.

Mr. Joydeep Roy
Mr. Dattatreya Dutta

.... for the State.

1. O.P.1/State and O.P.2/KMC are represented by their respective advocates.
2. No one appeared on behalf of the petitioner Minu Das @ Minu Banerjee nee Das, nor was any accommodation prayed for on her behalf. This is not the first time that the petitioner has failed to appear. The petitioner has not been represented for a long time. She did not appear even on earlier occasions, despite the learned advocates for O.P.2/KMC and O.P.1/State attempting to serve notices on her. The service report reveals that the petitioner was not residing at the address provided.
3. Furthermore, the learned advocate for O.P.2 submitted to the Court that her previous advocate, who represented the petitioner until November 22, 2024, has withdrawn from the case.
4. Consequently, this Court directed that an administrative notice be issued to the petitioner at her recorded address. The report filed by the Assistant Registrar-XII on August 6, 2025,

indicates that no one by the name of Minu Das @ Minu Banerjee nee Das resides at the address provided in the revisional application. Given that this matter has been pending since 2017 and there is a remote possibility of the petitioner's appearance, the Court has no alternative but to proceed with the disposal of the case based on the material available on record.

5. The present revisional application, filed by the petitioner Minu Das under Section 482 of the Criminal Procedure Code (Cr.P.C.), seeks to quash the proceedings in G.R. Case No. 1614 of 2012. This case arose from New Market Police Station Case No. 191 of 2014, dated April 23, 2012, under Sections 406/467/468/471/420/120B of the Indian Penal Code, 1860. The order of cognizance for the offense was taken on June 3, 2016, by the learned Metropolitan Magistrate, 6th Court, Calcutta.
6. The impugned criminal proceedings stemmed from a written complaint from the Manager (Health) & in-charge of the Burning Ghat, which was lodged with the Officer-in-charge, New Market Police Station, on April 20, 2012. The complaint was against Minu Das @ Minu Banerjee nee Das and others (the petitioner) for making and using forged documents as genuine in the assessment department and the Birth and Death Certificate section of KMC. The purpose was to obtain a mutation certificate for the premises at 10 D, Garpar Road, Kolkata, by means of forgery. The petitioner, Minu Das @ Minu Banerjee nee Das, had represented herself as the only

daughter and successor of Dipti Ganguly and Amar Nath Ganguly. She claimed that her mother, Dipti Ganguly, died on August 7, 1989, and Amar Nath Ganguly died on January 18, 1991, and she submitted their death certificates.

7. The "nefarious design of forgery" was deciphered when Dipti Ganguly herself appeared on December 26, 2011, for a hearing, where she disclosed that she was unmarried. Accordingly, the mutation that had already been made in favor of Minu Das @ Minu Banerjee nee Das, based on her false representation, was canceled upon proper verification. It was further alleged that the mutation was obtained fraudulently with the help of some unscrupulous employees of the Corporation with the intention to defraud the lawful interest of Dipti Ganguly. Upon further verification regarding the genuineness of the death certificates, the CMHO informed that their death certificates were not available in the department. He requested that legal action be initiated against them in light of this complaint.
8. Accordingly, this FIR was lodged, which led to a thorough investigation and the filing of a charge sheet under the same sections. The charge sheet specifically revealed the petitioner as the accused of fraudulently having her name mutated on the premises at 10 D, Garpar Road, Kolkata, by impersonating the actual owner, Dipti Ganguly, and submitting fabricated death certificates. This fraudulent act was exposed when Dipti Ganguly, who is alive and unmarried, appeared in person.
9. The prima facie case against the petitioner is that she

fraudulently had her name mutated in place of the rightful owner, Dipti Ganguly, for a property at 10D Garpar Road, Kolkata. The allegations assert that Minu Das falsely represented herself as the only daughter of Dipti Ganguly and Amar Nath Ganguly and submitted forged death certificates for both individuals. The forgery was uncovered when Dipti Ganguly, who is alive and unmarried, appeared in person on December 26, 2011. The mutation was subsequently canceled, and it was further alleged that the fraudulent act was carried out with the help of unscrupulous KMC employees.

10. Upon review of the records, I find no irregularity, inconsistency, or illegality in the police investigation, the charge sheet, or the cognizance of the offense taken by the lower court. The proceedings initiated against the petitioner are proper and lawful.
11. It is a well-established principle that the power under Section 482 of the Cr.P.C. is an extraordinary one, to be exercised sparingly and with great caution. Its purpose is to prevent the abuse of the process of any court and to secure the ends of justice. It is not a tool to be used to interfere with a legitimate criminal investigation or trial. A High Court can invoke this power to quash proceedings only in rare cases, such as when the allegations in the FIR or charge sheet, even if taken at face value, do not constitute an offense. Section 482 of the Cr.P.C. grants the High Court inherent powers to pass any orders necessary to prevent the abuse of the process of any court or to otherwise secure the ends of justice. This power is

extraordinary and must be exercised with great caution. It is not an alternative to regular appeals or revisions, but rather a tool to prevent a miscarriage of justice when no other remedy is available. The High Court can use this power to quash a First Information Report (FIR), a charge sheet, or the entire criminal proceedings if they are frivolous, malicious, or legally untenable. The case against the petitioner is prima facie established.

12. Upon a thorough review of the case record, including the police investigation and the charge sheet, I find no grounds for intervention under Section 482 of the Cr.P.C. The extraordinary power under Section 482 is not meant to stifle legitimate criminal proceedings. There is no irregularity, inconsistency, or illegality in the proceedings that would justify quashing them. In this instance, the allegations disclose serious offenses that warrant a full trial, as the proceedings appear to be proper, lawful, and based on credible allegations.
13. Accordingly, the revisional application filed by the petitioner is dismissed.
14. There shall be no order as to costs.
15. All interim orders, if any, stand vacated.
16. All pending applications, if any, stand dismissed.
17. An urgent certified copy of this order may be provided to the parties upon compliance with all necessary legal formalities.

(Uday Kumar, J.)

