

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

APPELLATE SIDE

CRR No. 2872 of 2024

With

CRAN 3 of 2025

Sri Praveen Kumar

Vs.

The State of West Bengal & Ors.

Before: The Hon'ble Justice Apurba Sinha Ray

For the Petitioner	: Mr. Anirban Dutta. Adv., Mr. K.N. Jana, Adv. Ms. Shiba Das, Adv.
For the State	: Mr. Anand Keshari, Adv. Mr. Santanu Talukdar, Adv.
For the opposite party	: Mr. Debasis Sur, Adv. Mr. Amitava Chowdhury, Adv.
CAV On	: 28.10.2025
Judgment On	: 21.11.2025

Apurba Sinha Ray, J. :-

1. The petitioner is the father of the opposite party no. 2 who is the de facto complainant in connection with Jamuria P.S. Case No. 283 of 2024 dated 20.06.2024 under Sections 323/325/384/506/341 of the Indian Penal Code pending before the Learned Court of the Chief Judicial Magistrate, Asansol. According to the petitioner, the opposite party no. 2 was a student of Symbiosis School of Management at Pune and though the

petitioner bore all his expenses, he quit the studies and presently he is living with his maternal grand-father and uncle who always instigate the opposite party no. 2 against the petitioner. The opposite party no. 2 has initiated the above Jamuria P.S. Case No. 283 of 2024 at the instigation of his maternal grand-father and uncle on some false and frivolous grounds. The petitioner is serving in the Indian Army and his posting is transferrable. As the said criminal case has been initiated on false pretext and as the Learned Judicial Magistrate while disposing of the petition under Section 156(3) Cr.P.C. at the instance of the opposite party no. 2 did not apply his judicial mind and did not ask for a preliminary enquiry in terms of the Hon'ble Apex Court's judgment in Lalita Kumari, the petitioner has prayed for quashing of the entire proceeding.

2. The learned counsel for the defacto complainant, Mr. Sur has submitted that the petitioner being an Army man did not consider the issue of good parenting and he thrashed his son on numerous occasions. For such assault the opposite party no. 2 had to get admitted to the hospital with nasal bone injury. He has filed certain documents supported by an affidavit. The learned counsel has further submitted that the law is very clear in this regard. As the FIR discloses non-cognizable and non-bailable offences, there is no scope for quashing the FIR at this stage. Furthermore, as the investigation is complete and the concerned investigation agency has submitted a charge sheet, there is no question of allowing the prayer for quashing the relevant proceeding as made by the petitioner.

3. The learned counsel for the State Mr. Keshari has also submitted that there are certain materials against the petitioner and as such he leaves the matter to the discretion of this court in view of the fact that the relation between the concerned parties is father and son.

4. I have gone through the materials on record and it appears that the opposite party no. 2 has submitted that he was assaulted on his nose and for which he sustained nasal bone injury. The documents produced before this court shows that the said injury was allegedly sustained by the opposite party no. 2 on 16.12.2020 and there is no whisper in the history of assault that the petitioner caused such injury on his nose. It is also pertinent to mention that the opposite party no. 2 initiated this case in the year 2024 referring to such injuries which occurred in the year 2020. The defacto complainant did not state before the I.O. at the time of his examination under Section 161 Cr.P.C. that the petitioner caused nasal bone injury. He stated that he has no medical documents. Though in the complaint he says that alleged injury was caused by the petitioner on 03.12.2020, the documents which were submitted by way of an affidavit disclose that he was admitted in the hospital on 16.12.2020. However, it appears that the petitioner is a serving army man and the opposite party no. 2 is staying with his maternal grand-father and there is not a single document showing that the petitioner had caused injuries upon the opposite party no. 2. The petitioner being the father of the defacto complainant may certainly be upset if his son quits his study at a very young age. Therefore, without going into merits of the matter and finding that the allegation of serious injuries upon

the defacto complainant was not substantiated by any acceptable document, it is very difficult to allow the continuation of such proceedings against the father at the instance of his son. Parental rebuke to the children is a commonplace so far as Indian society is concerned. However, it is not understandable that if the petitioner did not pay the fees or charges for daily needs of the defacto complainant what prevented him to file an appropriate proceeding under the Code of Criminal Procedure for maintenance, particularly when he knows or he is made to know how to take legal action against his father. Needless to mention, in his complaint he has stated that the petitioner is a very greedy person and he wants to take share from his grand-father's property. As his grand -father is not ready to give the money to the petitioner, the petitioner used to ill-behave with the complainant and play this card as the defacto complainant is very much loved by his grand-parents. This goes to show that defacto-complainant's desire and will are being controlled by someone else other than the present petitioner or his wife. If the grandfather of the defacto-complainant is aggrieved by any action of the petitioner, the grandfather being an adult and matured person will take action against the petitioner. Why this matter surfaced in his complaint is better known to the defacto-complainant or his grandfather. Finding that the issue may be cropped up due to purely domestic reasons between the petitioner and his father in law, I think that continuation of such proceedings in the trial Court will be a sheer abuse of process of Court, particularly, when in the charge sheet, the investigation agency did not find ingredients of offences other than offences punishable under Section

323/506/341 of IPC against the present petitioner. Therefore, I am inclined to quash the proceeding being no. GR Case No. 1720 of 2024 arising out of Jamuria P.S. Case No. 283 of 2024 dated 20.06.2024 under Sections 323/325/384/506/341 of the Indian Penal Code and accordingly, the same is hereby quashed.

5. The **C.R.R. No. 2872 of 2024** is allowed and, thus, disposed of. CRAN 3 of 2025 is also disposed of. The interim order, if any, stands vacated. Case Diary be returned.

6. Urgent photostat certified copies of this Judgment, if applied for, be supplied to the parties on compliance of all necessary formalities.

(APURBA SINHA RAY, J.)