

17.09.2025.
33.
Ct.No.7.
as

C.R.R. 3346 of 2025

In the matter of : ***Sri Surajit Dasgupta & Anr.***
.... Petitioners.

Mr. Arkadyuti Pahari,
Ms. Gargi Maity,
Mr. Alik Mandi.

...for the Petitioners.

1. This revisional application has been preferred seeking quashing of Rabindra Sarobar Police Station Case No.75 of 2025 dated 21.06.2025 under Section 79 of the Bharatiya Nyaya Sanhita, 2023 corresponding to GR Case No.1928 of 2025 pending before the learned Chief Judicial Magistrate, Alipore, South 24-Paraganas.
2. Mr. Pahari, learned Advocate appearing for the petitioners, submits that even if the allegations made in the complaint are taken at their face value, they do not disclose the commission of any offence. He, therefore, contends that the present proceeding is liable to be quashed. In support of his contention, he relies on the decision reported in (2025) 3 SCC 612 [*Madhushree Datta v. State of Karnataka & Anr.*].
3. In response to a query from the Court, he submits that on the basis of a complaint lodged by opposite party no. 2, Rabindra Sarobar P.S. Case No. 75 of 2025 dated 21.06.2025 was registered and the investigation of this case is presently ongoing.
4. Heard the learned Advocate appearing for the petitioners and perused the materials on record.

5. It is axiomatic that the power to quash an FIR is to be exercised sparingly and with great caution, and only when the conditions prescribed in law are clearly satisfied. The power to quash an investigation likewise has to be invoked only in exceptional circumstances, where the Court comes to the conclusion that even allowing the investigation to proceed would amount to an abuse of the process of law and that, to secure the ends of justice, continuation of the investigation cannot be permitted.

6. Indisputably, when quashing of a prosecution is sought at the initial stage, it is incumbent upon the Court to take into account any special features of the case and to consider whether, in the interest of justice, it would be expedient to allow the prosecution to continue.

7. There may be circumstances where the institution or continuation of a criminal proceeding amounts to an abuse of the process of law, for instance, where there is a legal bar to the initiation or continuation of such proceeding, or where the proceeding is rendered illegal for want of the requisite sanction. Similarly, where the allegations in the FIR or complaint, even if taken at face value and accepted in their entirety, do not disclose the commission of any offence, no further evidence is required to be collected or recorded in the course of investigation; however, at this stage, the Court should not embark upon an enquiry into the reliability, genuineness, or otherwise of the allegations made in the FIR/complaint.

8. In the present case, it is alleged that the accused entered the bedroom of the victim at odd hours and verbally abused her with the intention of outraging her modesty. On a perusal of the allegations contained in the FIR, I am unable to hold that, even if taken at face value, they do not constitute an offence. The record further reveals

that investigation in the present case is still in progress and, in the course thereof, a prayer has been made for recording the statement of the complainant. At this stage, I do not find any material to conclude that no further evidence is required to be collected or that the entire investigation deserves to be quashed.

9. I have also considered the decision cited on behalf of the petitioner. There is no scintilla of doubt as to its binding precedent; however, the same is distinguishable on facts.

10. Therefore, for the reasons and discussions set out in the preceding paragraphs, the revisional application stands dismissed.

(Partha Sarathi Chatterjee, J.)