

IN THE HIGH COURT AT CALCUTTA
(Criminal Revisional Jurisdiction)
Appellate Side

Present:

Justice Bibhas Ranjan De

C.R.R. 2672 of 2018

With

IA No. CRAN 2 of 2019 (CRAN 2545 of 2019)

Dipak Nandy

Vs.

The State of West Bengal & Anr.

For the Petitioner

:Mr. Anand Keshari, Adv.

Ms. Soumili Choudhury, Adv.

Ms. Pubali Debnath, Adv.

For the Opposite party no. 2 :Mr. Anirban Mitra, Adv.

Mr. Amit Halder, Adv.

For the State

:Mr. Rana Mukherjee, Adv.

Mr. Pravas Bhattacharya, Adv.

Last Heard on

:18.12.2024

Judgment on

:13.02.2025

Bibhas Ranjan De, J.

1. The instant criminal revision application has been filed with a prayer for quashment of the proceeding being G.R. No. 485 of 2016 arising out of Dankuni Police Station Case No. 92 dated 27.02.2016 under Sections 420/506/34 of the Indian Penal Code (hereinafter referred to as IPC), presently pending before the Court of Ld. Judicial Magistrate, 3rd Court, Serampore.

Background:-

2. The genesis of the criminal prosecution pertains to the complaint lodged by the opposite party no. 2 in the Court of Ld. Additional Chief Judicial Magistrate, Serampore under Section 156(3) thereby alleging commission of offences punishable under Sections 420/506/34 of the IPC against six (6) accused persons including the petitioner herein which was acceded to by the Ld. Additional Chief Judicial Magistrate and as a sequel the prosecution being G.R. No. 485 of 2016 arose out of Dankuni P.S. case no. 92 dated 27.02.2016. Upon taking cognizance, Ld. Additional Chief Judicial Magistrate transferred the case to the Court of Ld. Judicial Magistrate, 3rd Court, Serampore for disposal.

3. The main allegations canvassed therein are to the effect that- the opposite party no. 2 herein purchased a plot of "Sali" land measuring about more or less 53 Decimal out of 1 Acre 6.5 Decimal within Mouza-Mollarber, comprising R.S. and L.R Dag No. 1354, R.S. Khatian No. 194, Corresponding to L.R. Khatian 3619 and 3568, under police station and Municipality: Dankuni, A.D.S.R. office-Janai, Dist. Hooghly, by a registered deed of conveyance dated 13.10.2009 being No. 06204 for the year 2009. The opposite party no. 2 purchased the schedule property after mutual settlement by and between the parties of the said deed of conveyance with the consideration amount of Rupees Eleven Lacks Fourteen Thousand Seven Hundred Forty Eight (Rs. 11,14,768/-). Out of which Rupees Three Lacks Fifty thousand (Rs.-350000/-) was paid vide Demand Draft payable at Indian Overseas Bank, New Market in the name of Mosammad Asura Begum through Demand Draft and Cheque in the name of Nuruddin Sarkar. By cash, an amount of Rupees Four Lacks Fourteen Thousand seven hundred Forty Eight (Rs. 4,14,748/-) was also paid to the erstwhile owners. The opposite party no. 2 herein also stated that the sale was complete as the total

agreed amount of rupees Eleven lacks Fourteen thousand seven Hundred Forty Eight (Rs. 11,14,748/-) was duly received by erstwhile owners of the scheduled property and accordingly the aforesaid deed of conveyance was made in favour of the petitioner vide proper written Memo of consideration in the said registered Deed of sale executed in favour of the petitioner. The erstwhile owner demarcated the said land as per the deed plan in the presence of the Broker Saifuddin Mallick. But, on 25.06.2014, when the opposite party no. 2 herein went to put a boundary wall on his land with his friend, upon reaching he noticed that some masonry works men and labours were constructing the boundary wall on his purchased land. After enquiry it got revealed that one Dipak Nandy/petitioner herein is the person as per whose instruction the said boundary wall was being constructed. After further enquiry the opposite party no. 2 herein came to know that Petitioner Purchased the Schedule property from Nuruddin Sarkar and Mosammat Asura Begum and also found from the BL & LRO office at Serampore that the schedule property which was duly purchased by the opposite party no. 2 herein was recorded in the name of the

petitioner. It is further argued that the schedule property was again sold by Nuruddin Sarkar to Petitioner herein. On 14.07.2014, when the opposite party no.2 along with his friend met with petitioner to inform him about the actual owner of the schedule property, petitioner by his muscle man ousted the opposite party no.2 and his friend from his house. The opposite party no. 2 thereafter began to receive threatening calls from the accused with dire consequences.

Argument Advanced:-

4. Ld. Counsel, Mr. Anand Keshari appearing on behalf of the petitioner has contended that the allegations levelled in the written complaint so filed and the charge sheet, if taken at its face value to be true, even then no offence of cheating can be made out against the petitioner who was none other than the bona fide purchaser of the schedule property. The admitted facts in this instant case reveal that the present petitioner is also a victim of cheating. There is nothing in the charge sheet so filed by the investigating agency to prima facie show that the petitioner was ever informed about the same schedule property being purchased by the opposite party no. 2 in the year 2009. He has further submitted that the investigating

agency has miserably failed to collect any document and/or record any statement showing therein that the present petitioner who is the bona fide purchaser of the schedule property had any role to play in the alleged offence of cheating and criminal intimidation beyond reasonable doubt.

- 5.** Mr. Keshari has further submitted that the application under Section 156(3) of CrPC filed at the behest of the opposite party no. 2 does not contain a single averment with regard to the compliance of Sections 154 (1) and (3) of the CrPC. The opposite party no. 2 failed to make specific averment as to on which date the officer in charge of the local police station was informed about commission of a cognizable offence. The opposite party no. 2 also failed to make necessary averments as to the specific date on which he had written to the superior officer about his complaint not being acted upon by the said officer in charge of the concerned police station.
- 6.** In this regard Mr. Keshari has referred the settled mandates of law that first an information is supposed to be forwarded to the officer in charge about commission of a cognizable offence. If the said officer in charge fails and neglects to take necessary steps the informant shall thereafter lodge his

complaint with the superior officer. In spite of such information, if the said superior officer also fails to take necessary steps, it is only then that it is open to the informant to approach the Learned Magistrate for necessary directions upon the said officer in charge under Section 156(3) CrPC.

- 7.** In his concluding argument Mr. Keshari by highlighting the provision of Section 3 of the Transfer of Property Act, has argued that a person is said to have notice of the fact when he actually knows that fact, or when, but for willful abstention from an enquiry or search which he ought to have made or gross negligence, he would have known it. Explanation II to the said Section states that any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof. Under the said provision, there is a statutory presumption of a notice arising against any person who acquires any immovable property or any share or interest therein of the title. On a bare perusal of the above explanation it is crystal clear that a person is said to have

notice of any transaction to immovable property only when he has either acquired or has any share or any interest in such property shall be deemed to have notice of such instrument. In the present case, the petitioner was not even part of the first deed of conveyance entered by and between the opposite party no. 2 and the sellers. The petitioner neither acquired any property nor has any share or interest in such property when the same was registered in 2009 and hence the petitioner cannot be said to have any deemed notice of the said deed of conveyance.

8. In support of his contention, Mr. Keshari has relied on the following cases:

- ***Mushtaq Ahmad vs. Mohd. Habibur Rehman Faizi*** reported in ***(1996) 7 Supreme Court Cases 440***
- ***M. Krishnan vs. Vijay Singh and another*** reported in ***(2001) 8 Supreme Court Cases 645***
- ***Lalmuni Devi (smt) vs. State of Bihar and others*** reported in ***(2001) 2 Supreme Court Cases 17***
- ***Priyanka Srivastava and another vs. State of Uttar Pradesh and others*** reported in ***(2015) 6 Supreme Court Cases 287***

9. Ld. Counsel, Mr. Anirban Mitra, appearing on behalf of the opposite party no. 2 has vehemently submitted that it is a settled principle of law that before purchase of any property the purchaser is supposed to conduct necessary searching before concerned authority. But, the petitioners have failed to show any proof of searching before purchase of the subject property.

10. Mr. Mitra has further relied on Section 3 of the Transfer of property Act wherein in explanation it is stated that any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof. Through this particular provision Ld. Counsel has tried to make this Court understand that the plea of the petitioner that he had no prior knowledge about the previous purchase of the subject land has no sustainability in the eye of law.

11. Mr. Mitra has further argued that that the prosecution filed the charge sheet being no. 340 of 2016 dated 30.09.2016 under Sections 420, 506, 34 of the IPC and without filing any discharge petition under Section 239 of the

Cr.P.C, the petitioner filed the instant revisional application before this Hon'ble Court when prima-facie offence is made out in the said complaint and the charge sheet itself, which is not permissible.

12. Before parting with, Mr. Mitra has given a stern objection to the plea raised by the petitioner that there is non-compliance of specific provisions of Sections 154 (1) & (3) of the CrPC before institution of an application under Section 156 (3). In this regard, Mr. Mitra has highlighted the letter dated 14.09.2015 addressed to the officer-in-charge of the Dankuni Police Station. It has been further submitted that a copy of the said letter was simultaneously forwarded to the Superintendent of Police, Hooghly. Therefore, with the support of the said letter it has been contended on behalf of the opposite party no. 2 that there has been compliance of mandatory provisions of Sections 154(1) & (3) of the CrPC.

13. In support of his contention, Mr. Mitra has relied on the following cases:-

- ***Ram Swaroop Singh and Others. vs Karan Singh and Others.*** reported in **2010 SCC Online Utt 650**

- ***Khushalehand Bhagchand Marwadi vs Trimbak Ramchandra Belapurkar & Others.*** reported in **1945 November, 22-ILR, Page 984**
- ***Lalmuni Devi (Smt.) vs State of Bihar and Others.*** reported in **(2001) 2 SCC 17**
- ***Mohd. Alauddin Khan vs State of Bihar & Others*** reported in **(2019) 6 SCC 107**
- ***M. Krishnan vs Vijoy Singh & Another*** reported in **(2001) 8 SCC 645**
- ***Mushtaq Ahmed vs Mohd. Habibur Rahman Faizi & Ors.*** reported in **(1996) 7 SCC 440**
- ***State of Punjab vs Devinder Kumar & Ors.*** reported in **(1983) 2 SCC 384**
- ***Sahajan Molla vs State and Another.*** reported in **2000 Sk. Online Cal 106**
- ***Minakshi Bala vs Sudhir Kumar & Others*** reported in **(1994) 4 SCC 142**
- ***State of Haryana & Others vs Bhajanlal & Others*** reported in **1992 Supp (1) SCC 335**
- ***Janata Dal vs H.S Chowdhury & Ors.*** reported in **(1992) 4 SCC 305**

- 14.** Ld. A.P.P, Mr. Rana Mukherjee, appearing on behalf of the State has relied on the investigation report conducted by the investigating agency and has contended that there is sufficient material available on record to prima facie constitute the offences alleged against the petitioner.

Ratio of the cases relied on behalf of the parties:-

For the opposite party no. 2.

- In ***Ram Swaroop Singh*** (supra) & ***Khushalehand Bhagchand Marwadi*** (supra) it was held that Under Section 3 of the Transfer of Property Act, a person is said to have notice of the fact when he actually knows that fact, or when, but for willful abstention from an enquiry or search which he ought to have made or gross negligence, he would have known it. Explanation II to the said Section states that any person acquiring any immovable property or any share or interest in any such property shall be deemed to have notice of the title, if any, of any person who is for the time being in actual possession thereof. Under Section 3 of the Transfer of Property Act, there is a statutory presumption of a notice arising against any

person who acquires any immovable property or any share or interest therein of the title.

- In ***Lalmuni Devi*** (supra), ***Mohd. Alauddin Khan*** (supra) & ***M. Krishnan*** (supra) it was observed that there could be no dispute to the proposition that if the complaint does not make out an offence it can be quashed. However, it is also settled law that facts may give rise to a civil claim and also amount to an offence. Merely because a civil claim is maintainable does not mean that the criminal complaint cannot be maintained. In this case, on the facts, it cannot be stated, at this prima facie stage, that this is a frivolous complaint. The High Court does not state that on facts no offence is made out. If that be so, then merely on the ground that it was a civil wrong the criminal prosecution could not have been quashed.
- In ***Mushtaq Ahmed*** (supra) the Hon'ble Apex Court held that if the complaint and the documents annexed there to clearly make out a prima facie case for cheating, breach of trust and forgery then that the High Court should not enter into the debatable area of deciding the veracity of the

rival contentions while exercising jurisdiction under Section 482 of the CrPC.

- In ***Devinder Kumar*** (supra), ***Sahajan Molla*** (supra) & ***Minakshi Bala*** (supra) it was observed that if charges are framed in accordance with Section 240 CrPC on a finding that a prima facie case has been made out, the person arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge-sheet submitted under Section 173 CrPC and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged and the revisional court if so satisfied can quash the charges framed against him. To put it differently, once charges are framed under Section 240 CrPC the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 CrPC; nor would it be justified in invoking its - inherent jurisdiction under Section 482 CrPC to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course. We hasten to add even

in such exceptional cases the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.

- ***In Bhajanlal*** (supra) & ***Janata Dal*** (supra) it was reiterated by the Hon'ble Apex Court that the High Court being Highest Court of a state should normally refrain from giving a premature decision in a case wherein the entire facts are extremely incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved whether factual or legal are of great magnitude and cannot be seen in this true perspective without sufficient material.

For the Petitioner:-

- The cases of ***Mushtaq Ahmed*** (supra), ***Lalmuni Devi*** (supra) & ***M. Krishnan*** (supra) have been referred to hereinabove. So, in order to avoid repetition and for brevity of discussion the ratios of the above mentioned cases are not reiterated. In this context, it would be pertinent to mention that the celebrated judgment of ***Priyanka Srivastava*** (Supra) has also been duly discussed in the latter portion of the judgment.

Analysis:-

- 15.** One of the main allegations in connection with the revision revolves around the fact that the petitioner herein who is also purchaser of the property in dispute, can he be arraigned for commission of offence under Section 420/506/34 of the IPC along with other accused persons.
- 16.** From a careful scrutiny of the available evidence and documents as well as the report of the investigating agency, it is clear that there is a duly registered deed of conveyance dated 15.05.2012 by and between one Nouruddin Sarkar & Asura Begam in favour of the petitioner which has been duly confirmed by M/s. Pratham Deal Private Limited. Even if the arguments advanced on behalf of the opposite parties with regard to the fact that the petitioner did not take due diligence in conducting necessary searching before purchase of the property, are to be considered, still in my humble view in no stretch of imagination it can be said that the petitioner who is also a bona fide purchaser is liable for any criminal prosecution for being party to the criminal conspiracy while keeping in mind the factual matrix of the case. Even if, the allegation regarding non searching on the part of the

petitioner before purchase of the subject land is considered to be gospel truth still at best it shall not attract any criminal liability.

17. Now coming to another very important aspect of the case at hand i.e non-compliance of mandatory provisions as enumerated in the case of **Priyanka Srivastava** (supra), admittedly there is sheer non-compliance on the part of the opposite party no. 2 herein.

18. The Hon'ble Apex Court dealt with aforementioned non-compliance in the case of **Priyanka Srivastava** (Supra) wherein an exhaustive guideline was formulated in the following paragraphs:

“ 30. In our considered opinion, a stage has come in this country where Section 156(3) CrPC applications are to be supported by an affidavit duly sworn by the applicant who seeks the invocation of the jurisdiction of the Magistrate. That apart, in an appropriate case, the learned Magistrate would be well advised to verify the truth and also can verify the veracity of the allegations. This affidavit can make the applicant more responsible. We are compelled to say so as such kind of applications are being filed in a routine manner without taking any responsibility whatsoever only to harass certain persons. That apart, it becomes more disturbing and alarming when one tries to pick up people who are passing orders under a statutory provision which can be

challenged under the framework of the said Act or under Article 226 of the Constitution of India. But it cannot be done to take undue advantage in a criminal court as if somebody is determined to settle the scores.

31. *We have already indicated that there has to be prior applications under Sections 154(1) and 154(3) while filing a petition under Section 156(3). Both the aspects should be clearly spelt out in the application and necessary documents to that effect shall be filed. The warrant for giving a direction that an application under Section 156(3) be supported by an affidavit is so that the person making the application should be conscious and also endeavour to see that no false affidavit is made. It is because once an affidavit is found to be false, he will be liable for prosecution in accordance with law. This will deter him to casually invoke the authority of the Magistrate under Section 156(3). That apart, we have already stated that the veracity of the same can also be verified by the learned Magistrate, regard being had to the nature of allegations of the case. We are compelled to say so as a number of cases pertaining to fiscal sphere, matrimonial dispute/family disputes, commercial offences, medical negligence cases, corruption cases and the cases where there is abnormal delay/laches in initiating criminal prosecution, as are illustrated in Lalita Kumari [(2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] are being filed. That apart, the learned Magistrate would also be aware of the delay in lodging of the FIR.*

32. *The present lis can be perceived from another angle. We are slightly surprised that the financial institution has been compelled to settle the dispute and we are also disposed to think that it has so happened because*

the complaint cases were filed. Such a situation should not happen.

33. *At this juncture, we may fruitfully refer to Section 32 of the SARFAESI Act, which reads as follows:*

“32. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any secured creditor or any of his officers or manager exercising any of the rights of the secured creditor or borrower for anything done or omitted to be done in good faith under this Act.”

In the present case, we are obligated to say that the learned Magistrate should have kept himself alive to the aforesaid provision before venturing into directing registration of the FIR under Section 156(3) CrPC. It is because Parliament in its wisdom has made such a provision to protect the secured creditors or any of its officers, and needless to emphasise, the legislative mandate has to be kept in mind.

34. *In view of the aforesaid analysis, we allow the appeal, set aside the order passed [Priyanka Srivastava v. State of U.P., Criminal Misc. WP No. 24561 of 2011, decided on 23-12-2011 (All)] by the High Court and quash the registration of the FIR in case Crime No. 298 of 2011, registered with Police Station Bhelupur, District Varanasi, U.P.*

35. *A copy of the order passed by us be sent to the learned Chief Justices of all the High Courts by the Registry of this Court so that the High Courts would circulate the same amongst the learned Sessions Judges who, in turn, shall circulate it among the learned Magistrates so that they can remain more vigilant and diligent while exercising the power under Section 156(3) CrPC.”*

19. Hon'ble Apex Court subsequently came across the same issue of non-compliance in a case of **Babu Venkatesh & Ors. Vs. State of Karnataka & Anr.** reported in **2022 SCC OnLine SC 200** wherein the following observations were made:

“23. After analysing the law as to how the power under Section 156(3)CrPC has to be exercised, this Court in Priyanka Srivastava v. State of U.P. [Priyanka Srivastava v. State of U.P., (2015) 6 SCC 287 : (2015) 3 SCC (Civ) 294 : (2015) 4 SCC (Cri) 153] has observed thus : (SCC p. 306, paras 30-31)

“30. In our considered opinion, a stage has come in this country where Section 156(3)CrPC applications are to be supported by an affidavit duly sworn by the applicant who seeks the invocation of the jurisdiction of the Magistrate. That apart, in an appropriate case, the learned Magistrate would be well advised to verify the truth and also can verify the veracity of the allegations. This affidavit can make the applicant more responsible. We are compelled to say so as such kind of applications are being filed in a routine manner without taking any responsibility whatsoever only to harass certain persons. That apart, it becomes more disturbing and alarming when one tries to pick up people who are passing orders under a statutory provision which can be challenged under the framework of the said Act or under Article 226 of the Constitution of India. But it cannot be done to take undue advantage in a criminal court as if somebody is determined to settle the scores.

31. We have already indicated that there has to be prior applications under Sections 154(1) and 154(3) while filing a petition under Section 156(3). Both the aspects should be clearly spelt out in the application and necessary documents to that effect shall be filed. The warrant for giving a direction that an application under Section 156(3) be supported by an affidavit is so that the person making the application should be conscious and also endeavour to see that no false affidavit is made. It is because once an affidavit is found to be false, he will be liable for prosecution in accordance with law. This will deter him to casually invoke the authority of the Magistrate under Section 156(3). That apart, we have already stated that the veracity of the same can also be verified by the learned Magistrate, regard being had to the nature of allegations of the case. We are compelled to say so as a number of cases pertaining to fiscal sphere, matrimonial dispute/family disputes, commercial offences, medical negligence cases, corruption cases and the cases where there is abnormal delay/laches in initiating criminal prosecution, as are illustrated in *Lalita Kumari* [*Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] are being filed. That apart, the learned Magistrate would also be aware of the delay in lodging of the FIR.”

24. This Court has clearly held that, a stage has come where applications under Section 156(3)CrPC are to be supported by an affidavit duly sworn by the complainant who seeks the invocation of the jurisdiction of the Magistrate.

25. This Court further held that, in an appropriate case, the learned Magistrate would be well advised to

verify the truth and also verify the veracity of the allegations. The Court has noted that, applications under Section 156(3)CrPC are filed in a routine manner without taking any responsibility only to harass certain persons.

26. *This Court has further held that, prior to the filing of a petition under Section 156(3)CrPC, there have to be applications under Sections 154(1) and 154(3)CrPC. This Court emphasises the necessity to file an affidavit so that the persons making the application should be conscious and not make false affidavit. With such a requirement, the persons would be deterred from causally invoking authority of the Magistrate, under Section 156(3)CrPC. Inasmuch as if the affidavit is found to be false, the person would be liable for prosecution in accordance with law.*

27. *In the present case, we find that the learned Magistrate while passing the order under Section 156(3)CrPC, has totally failed to consider the law laid down by this Court.*

28. *From the perusal of the complaint it can be seen that, the complainant Respondent 2 himself has made averments with regard to the filing of the original suit. In any case, when the complaint was not supported by an affidavit, the Magistrate ought not to have entertained the application under Section 156(3)CrPC. The High Court has also failed to take into consideration the legal position as has been enunciated by this Court in Priyanka Srivastava v. State of U.P. [Priyanka Srivastava v. State of U.P., (2015) 6 SCC 287 : (2015) 3 SCC (Civ) 294 : (2015) 4 SCC (Cri) 153] , and has*

dismissed the petitions by merely observing that serious allegations are made in the complaint.

29. *We are, therefore, of the considered view that, continuation of the present proceedings would amount to nothing but an abuse of process of law.*

30. *We therefore, allow these appeals and set aside the judgments and orders of the High Court dated 22-1-2021, passed in Babu Venkatesh v. State of Karnataka [Babu Venkatesh v. State of Karnataka, 2021 SCC OnLine Kar 4656] · [Babu Venkatesh v. State of Karnataka, 2021 SCC OnLine Kar 15067] · [Babu Venkatesh v. State of Karnataka, 2021 SCC OnLine Kar 15068] · [Babu Venkatesh v. State of Karnataka, 2021 SCC OnLine Kar 15069] . Consequently, FIRs Nos. 255, 256 of 2019 filed on 16-12-2019, FIR No. 257 of 2019 filed on 17-12-2019 and FIR No. 258 of 2019 filed on 18-12-2019 registered with Jayanagar Police Station, Bengaluru City are quashed and set aside. Pending application(s), if any, shall stand disposed of.”*

- 20.** The specific provision of Section 154(1) & (3) of the CrPC were codified by the legislature with the specific intention to afford an opportunity to the parties to avail the benefit of the provision of Section 156(3) of CrPC subject to compliance of Section 154(1) & (3) of the CrPC. The Hon’ble Apex Court has only reminded us time and again to comply with those mandatory provisions and further crystallized the necessity of compliance.

21. Coming to the case at hand, there is an argument made on behalf of the opposite party no. 2 that there has been due compliance of provisions of Section 154 (1) & (3) of the CrPC. In this regard, Mr. Mitra has referred to the copy of the complaint addressed to the Officer-in-charge mentioned in the supplementary affidavit and submits that the copy of the same was also forwarded to the concerned Superintendent of the Police of the District. But, a careful scrutiny of the petition made under Section 156 (3) of the CrPC especially paragraph no. 17 would make it crystal clear that there was only mentioning of a written complaint addressed to the officer-in-charge of the jurisdictional police station but no separate application was sent to the concerned SP alleging in action on the part of the Jurisdictional Police Station.

22. That apart, the application under Section 156(3) of Cr.P.C. was not supported by any specific affidavit regarding compliance of Section 154(3) of Cr.P.C. nor supported by the necessary documents to that effect and to add to that there is nothing mentioned about the aforesaid compliance in the body of the complaint which is mandatorily required as per the guidelines laid down by the Hon'ble Apex Court.

- 23.** On this score, the proceeding impugned in this revision application is liable to be quashed for non-compliance of guidelines envisaged in **Priyanka Srivastava** (Supra).
- 24.** In the aforesaid view of the matter, the revision application being no. CRR 2672 of 2018 stands allowed. As a sequel, the impugned proceeding being G.R. No. 485 of 2016 arising out of Dankuni Police Station Case No. 92 of 2016 stands hereby quashed against the **petitioner only**.
- 25.** All connected applications, if there be any, stand disposed of accordingly.
- 26.** Case diary, if there be any, be returned.
- 27.** All parties to this revisional application shall act on the server copy of this order downloaded from the official website of this Court.
- 28.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]