

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

Present:

The Hon'ble Justice Md. Shabbar Rashidi

CRR 3578 of 2025

Pashupati Karan & Ors.

Versus

The State of West Bengal & Anr.

For the petitioners : Mr. Malay Bhattacharya, Adv.
Mr. Pradip Paul, Adv.
Ms. Renesa Dey, Adv.

For the opposite party No.2 : Ms. Rita Patra, Adv.

For the State : Mr. Sanjay Banerjee, Adv.
Mr. Rahul Ganguly, Adv.

Heard & Judgment on : 24th September, 2025

Md. Shabbar Rashidi, J:-

1. The instant revisional application has been filed seeking for quashing the proceedings in connection with Pingla Police Station Case No. 61 of 2025 dated 22.03.2025 under Sections 329(3)/115(2)/117(2)/109/76/3/303(2)/3(5) of the Bharatiya Nyaya Sanhita read

with Section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted by the learned advocate for the petitioner that no case under Section 3(1)(r)(s)(w) of the Act, 1989 does make out on the basis of allegation made in the written complaint.

3. It is also submitted that the instant case was initiated on the basis of complaint filed in Court which was later on forwarded to the police in terms of Section 175(3) of the BNSS.

4. Learned advocate for the petitioner submits that there are no allegations in such complaint with regard to offence under Act of 1989.

5. Learned advocate for the State submits that the complaint lodged on behalf of the defacto-complainant does disclose an offence punishable under the provision of the Act of 1989.

6. Private opposite party is also represented.

7. Having heard rivals contentions and after going through the materials placed before this Court, it transpires that the de-facto complainant lodged a complaint before the Court which was forwarded to the police for registration of a First Information Report in terms of the provision of Section 175(3) of the BNSS. On the basis of such complaint, Pingla Police Station Case No. 61 of 2025 dated 22.03.2025 was started against the petitioners.

8. Learned advocate for the State also submitted that the investigation of the case is under progress and it is yet to be concluded.

9. I have gone through the petition of complaint filed on behalf of the de-facto complainant.

10. Learned advocate appearing for the private opposite party submits that statement recorded under Section 183 of the BNSS of the de-facto complainant was recorded in course of investigation. The petition of complaint which has been annexed with the instant application, does disclose that the accused persons forcefully entered into the disputed plot and abused and assaulted the de-facto complainant. It transpires that there are specific allegations that the de-facto complainant was abused in the name of her case etc.

11. The investigation of the case is yet to be concluded. There may be private disputes with regard to the property between the private parties but the allegations made in the petition of complaint do disclose an offence under the provision of Act of 1989. I am not in a position to return a finding, on the basis of materials on record, that no case under the Act of 1989 is made out.

12. In such circumstances, I find no justification to quash the proceeding in connection with the Pingla Police Station Case No. 61 of 2025.

13. Accordingly, Criminal Revisional Application being **CRR 3578 of 2025** along with application, if any, is dismissed.

14. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance of all formalities.

(Md. Shabbar Rashidi, J.)