

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 3810 of 2022

Chandan Ghosh & Ors.

VS.

The State of West Bengal & Anr.

For the Petitioners : Mr. Tapan Dutta Gupta,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar.

For the State : Mr. Debasish Roy, P.P.

For the Opposite Party No. 2 : Mr. Avinaba Patra.

Hearing concluded on : 14.01.2025

Judgment on : 14.01.2025

SHAMPA DUTT (PAUL), J. :

1. Affidavit-of-service filed be kept with the record.
2. The present revisional application has been preferred praying for quashing of the proceeding in G.R. Case No. 2506 of 2018 arising out of Madhayamgram Police Station Case No. 713 of 2018 dated 20.12.2018 under Sections 341 /323 /325 /354 /506 /34 of the Indian Penal Code Pending in the Court of the

learned Judicial Magistrate, 2nd Court, Barasat, North 24 Parganas.

3. From the materials on record including the case diary it appears that charge-sheet in the present case has been submitted for offences punishable under Section 341/323/354/506/34 IPC. **Materials in the case diary show that there are injury reports and statements which makes out a prima facie case for the offences alleged against the petitioners, to proceed to its trial.**
4. In ***Ramveer Upadhyay & Anr. Vs State of Uttar Pradesh & Anr., Special Leave Petition (CRL.) No. 2953 of 2022, decided on April 20, 2022***, the Supreme Court held:-

*“39. In our considered opinion criminal proceedings cannot be nipped in the bud by exercise of jurisdiction under **Section 482** of the Cr.P.C. only because the complaint has been lodged by a political rival. It is possible that a false complaint may have been lodged at the behest of a political opponent. However, such possibility would not justify interference under **Section 482** of the Cr.P.C. to quash the criminal proceedings. As observed above, the possibility of retaliation on the part of the petitioners by the acts alleged, after closure of the earlier criminal case cannot be ruled out. The allegations in the complaint constitute offence under the Atrocities Act. **Whether the allegations are true or untrue, would have to be decided in the trial. In exercise of power under Section 482 of the Cr.P.C., the Court***

does not examine the correctness of the allegations in a complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence.”

5. Thus, considering the materials on record and the offences alleged and the documents in the case diary, the present case should be permitted to proceed to trial and interference in the proceedings in this case shall lead to abuse of the process of law.
6. **CRR 3810 of 2022 is thus dismissed.**
7. Trial court to proceed in accordance with law.
8. Applications, if any, connected thereto stand disposed of consequently.
9. Interim order, if any, stands vacated.
10. Let a copy of this judgment be sent to the Trial Court at once.
11. Photostat certified copy of this judgment, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul), J.]