

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

**BEFORE:
THE HON'BLE JUSTICE UDAY KUMAR**

CRR 4253 of 2022

With

CRAN 1 of 2025

Sk. Mahabat Ali @ Mesbut Ali & Anr.

Vs.

State of West Bengal & Anr.

For the Petitioners : Mr. Anupam Kumar Bhattacharyya
Mr. Rohan Shaw

For the State : Mrs. Sreyashee Biswas,
Mrs. Pushpita Saha

Hearing Concluded on : 04th July, 2025

Judgment on : 17th July, 2025

Uday Kumar, J.:-

1. The present revisional application, CRR 4253 of 2022, has been filed by Sk. Mahabat Ali @ Mesbut Ali and Safika Begum (hereinafter referred to as "the petitioners") under the extraordinary jurisdiction conferred by Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 (hereinafter, "Cr.PC"). The petitioners seek the quashing of criminal proceedings arising from Chanditala Police Station Case Number 521 of 2022, dated October 12, 2022, initiated under Sections 341/323/354B/504/506/34 of the Indian Penal Code, 1860

(hereinafter, "IPC"), along with all subsequent proceedings and actions, currently pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly.

2. The core contention advanced by the petitioners is that the impugned FIR is not a genuine complaint disclosing the commission of a cognizable offence, but rather a "malicious and retaliatory act" stemming directly from a prior legal conflict, thereby constituting a patent abuse of the legal process.
3. To adjudicate upon this contention, a meticulous examination of the factual matrix underpinning this application becomes imperative, as it reveals a sequence of events highly indicative of a pre-existing and escalating legal conflict. Petitioner no.1, Sk. Mahabat Ali, a Public Interest Litigation (PIL) activist, had previously initiated a PIL, W.P.A. (P) 463 of 2022, before this very High Court. This PIL specifically targeted alleged illegal activities involving the husband of opposite party no.2, Ruksona Begum, and others within the Chanditala Police Station's jurisdiction.
4. The significance of this prior action became undeniable when, on September 19, 2022, the High Court intervened, directing the District Magistrate, Hooghly, to consider Sk. Mahabat Ali's representation after providing him a fair hearing opportunity.
5. Following this judicial mandate, the District Magistrate, Hooghly, issued a crucial notice on October 11, 2022, summoning petitioner no.1 for a hearing on October 21, 2022. It is the petitioners' emphatic assertion that this official notice served as the immediate catalyst for annoyance

among the complainant's husband and his associates. Allegedly, on the very same day the District Magistrate's notice was served, October 11, 2022, the husband of the opposite party and others attacked the petitioners' house, resulting in significant injuries to petitioner no.2, Safika Begum. This alleged assault prompted the petitioners to report the incident to the local police, leading to the registration of Chanditala Police Station Case Number 516 of 2022 dated October 11, 2022, under Sections 448, 341, 323, 325, 354B, 504, 506, 34 of I.P.C.

6. The critical juncture arose on the very next day, October 12, 2022, at 16:05 hrs, when the impugned FIR (Chanditala P.S. Case No. 521 of 2022) was lodged by opposite party No.2, Ruksona Begum. She alleged that the petitioners abused her, assaulted her with a crowbar and stick, outraged her modesty by disrobing, and threatened her with rape and murder in the morning of October 12, 2022. Despite the police investigation culminating in a Charge Sheet (No. 494/2022) on October 31, 2022, recommending trial, and the petitioners subsequently securing bail, they steadfastly maintain their innocence and continue their legal battle to quash the proceedings, labelling the impugned FIR as a "counter-blast."
7. Mr. Anupam Kumar Bhattacharyya, Learned Counsel appearing for the petitioners, forcefully argued that the impugned FIR (No. 521/2022) dated October 12, 2022, was lodged immediately following the progression of the petitioners' PIL and their own prior FIR (No. 516/22) on October 11, 2022. This striking temporal proximity, Mr. Bhattacharyya submitted, inherently raises grave doubts about the

veracity of the allegations, strongly indicating that the complaint is not genuine but a calculated "counter-blast." He contended that this immediate succession is highly indicative that the second FIR is not an independent reporting of a crime, but rather a reactive and offensive counter-move, meticulously crafted to neutralize or divert attention from the allegations made against the complainant's husband in the petitioners' prior FIR. This, he asserted, amounts to a clear attempt to retaliate against petitioner no.1's legitimate legal actions and to exert undue pressure.

8. Mr. Bhattacharyya further highlighted the deeply entrenched pre-existing legal conflict, noting petitioner no.1's *bona fide* Public Interest Litigation specifically targeted alleged illegal activities of the complainant's husband. This established a clear and potent motive for the complainant and her family to harbour animosity and seek to undermine petitioner no.1's efforts. Therefore, Mr. Bhattacharyya asserted that the present FIR is a direct and clear attempt to "counter-blast" and intimidate petitioner no.1 from pursuing the PIL, thereby shielding the alleged wrongdoings of the complainant's husband. Such a proceeding, he contended, perverts the criminal justice system into a tool for personal vendetta, constituting a grave abuse of the Court's process. He explicitly labelled Ruksona Begum's complaint as "fictitious" and challenged the veracity of the allegations. He also alluded to a nexus between the local police and the opposite party, suggesting that the Chanditala Police Station had registered FIR 521/2022 in a "mechanical manner," demonstrably disregarding the critical context of the existing

disputes, including the ongoing PIL inquiry and their own recent FIR. He argued that if the police failed to apply their mind diligently and simply registered a false complaint without proper background verification, the entire criminal process becomes tainted from its very inception, rendering the subsequent charge sheet questionable. Ultimately, he vigorously argued that allowing such a maliciously instituted proceeding to continue would constitute a severe abuse of the process of the Court, leading to an inevitable "failure of justice" for the petitioners.

9. In support of his contention, Mr. Bhattacharyya placed reliance on several Supreme Court judgments. He cited Paragraph 8 of Criminal Appeal No.1884 of *Shaileshbhai Ranchhodbhai Patel vs. State of Gujarat*, which directly supports the argument that even if a charge-sheet is filed, the High Court has the power to quash an FIR/proceedings if no real offense is disclosed or if it constitutes an abuse of legal process. He further referred to Paragraph 28 of (2019) 11 Supreme Court Cases 706, likely *Anand Kumar Mohatta & Anr. v. State (NCT of Delhi) & Anr.*, reinforcing that the mere filing of a charge-sheet does not render a quashing petition untenable, especially in cases of generalized allegations or clear misuse of the legal process.
10. Conversely, Mrs. Sreyashee Biswas, Learned Counsel for the State and the complainant (opposite party no.2), vehemently opposed the quashing petition. She firmly asserted that the impugned FIR clearly and meticulously details serious and cognizable offenses against the petitioners, encompassing wrongful restraint (S.341 IPC), assault (S.323 IPC), outraging modesty by disrobing (S.354B IPC), intentional insult

leading to breach of peace (S.504 IPC), and criminal intimidation (S.506 IPC), read with common intention (S.34 IPC).

11. Mrs. Biswas emphasized that as per the established legal principle laid down in *Lalita Kumari v. Govt. of U.P.*, the police, upon receiving information disclosing cognizable offenses, are under a statutory mandate to register an FIR without conducting a preliminary inquiry into its veracity. Therefore, she argued, the detailed complaint, even if disputed by the accused, cannot be summarily dismissed as "fictitious" at the pre-trial quashing stage.

12. Mrs. Biswas further underscored that the police, subsequent to the registration of the FIR, conducted a proper and lawful investigation. This involved examining the complainant and recording her statement, visiting and observing the scene of occurrence, preparing a sketch map, and thoroughly examining available witnesses, whose statements were also recorded. Additionally, notice under Section 41A Cr.P.C., was duly served upon the accused, and injury reports pertaining to the injured person were collected and reviewed, including Ruksona Begum's injury report dated October 12, 2022, which showed an injury on her thigh. This comprehensive investigation, she argued, demonstrates that the police did not act "mechanically" but followed established procedures. Based on the evidence collected and statements recorded, the police concluded that a *prima facie* case was "well established" against the accused, leading to the filing of a formal Charge Sheet (No. 494/2022) on October 31, 2022. The filing of a charge sheet, she submitted, is a significant step, signifying that the investigating agency has found

sufficient incriminating material to warrant a trial, and the High Court, in its quashing jurisdiction, should not usurp the role of a Trial Court by evaluating the sufficiency or credibility of evidence at this preliminary stage.

13. Mrs. Biswas also underscored that the petitioners' central claims—that the FIR is a "counter-blast," "malicious," "fictitious," or involves a "police nexus"—are fundamentally factual assertions. These, she contended, are not legal issues determinable solely on the face of the FIR. Such disputed questions of fact cannot be conclusively determined by the High Court in its summary jurisdiction under Section 482 Cr.P.C.; quashing would require delving into the veracity of the complainant's allegations versus the petitioners' counter-claims, which necessitates detailed evidence, cross-examination of witnesses, and a comprehensive assessment of credibility. This, she asserted, is the exclusive domain of the Trial Court. Furthermore, she argued that the existence of a prior FIR lodged by the petitioners, or an ongoing PIL, does not automatically invalidate a subsequent complaint detailing a specific and cognizable criminal act. In disputes between parties with animosity, cross-cases are common, and it is entirely plausible for both sides to have genuine grievances or for separate incidents to have occurred. The Court's role is not to presume falsity simply due to a prior dispute; both cases warrant independent investigation and determination on their own merits.

14. Finally, Mrs. Biswas highlighted that the power to quash an FIR is an extraordinary and exceptional power, to be exercised sparingly and only in the rarest of rare cases, primarily to prevent manifest abuse of the

process of law or gross miscarriage of justice. It is not intended to be a routine tool to derail legitimate criminal prosecutions merely because the accused disputes the allegations or alleges a motive. To quash the FIR in this scenario, where serious allegations are made and a charge sheet has been filed after investigation, would be to prematurely stifle a criminal prosecution and potentially deny justice to the victim. Allowing a full trial ensures that all evidence, from both the prosecution and the defence, is presented, examined, and cross-examined before a conclusive finding is reached, thereby preserving the integrity of the judicial process.

15. Having heard the Learned Counsel for both the parties and having meticulously perused the records, the central legal question that demands determination is “whether the criminal proceedings initiated against the petitioners, arising from Chanditala Police Station Case Number 521 of 2022, on their face, disclose the commission of a cognizable offence, or whether they constitute an abuse of the legal process and are a malicious and retaliatory act stemming from a prior legal conflict, thereby warranting their quashing under Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973, despite a charge sheet having been filed.”

16. At the heart of this determination lies the High Court's inherent and extraordinary power to quash criminal proceedings. This power, enshrined in Section 482 Cr.P.C. and Article 227 of the Constitution, is not an ordinary appellate or revisional authority but a safeguard to prevent the abuse of any Court's process and to secure the ends of

justice. The Hon'ble Supreme Court, in the landmark case of *State of Haryana v. Bhajan Lal* (AIR 1992 SC 604), meticulously delineated the categories under which such a power could be exercised. Crucially, the present case is lying under the category number seven which permits quashing, where a criminal proceeding is "manifestly attended with *mala fide* and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." This specific carve-out becomes the bedrock for evaluating the petitioners' claims.

17. The petitioners' primary contention is rooted in his assertion that the impugned FIR No. 521/2022 is nothing short of a "fictitious" creation, a blatant "counter-blast" designed to undermine their legitimate Public Interest Litigation (PIL) and a prior FIR they had lodged. They further alleged that there was a disturbing "nexus" between the local police and the complainant, accusing the Chanditala Police Station of registering FIR 521/2022 in a "mechanical manner," devoid of due diligence or independent assessment.

18. The factual underpinning for these grave accusations is not mere speculation but rests upon an undisputed and highly suspicious timeline of events. The chronology reveals that the criminal proceedings against the petitioners were initiated by the opposite party immediately following the petitioners' successful pursuit of their PIL, which resulted in decisive official action by the District Magistrate. This, in turn, was preceded by an alleged attack on the petitioners themselves, leading to their own criminal complaint on October 11, 2022. The opposite party's

FIR (No. 521/2022) was lodged just one day later, on October 12, 2022. This striking proximity in time is not a mere coincidence; it creates an overwhelming inference of a retaliatory motive rather than an independent and genuine reporting of a fresh criminal incident. This sequence, far from being happenstance, strongly suggests a deliberate attempt to fabricate a case to "wreak vengeance" and "spite" the petitioners for their prior legal success.

19. The respondents, in their defence, emphasize a fundamental principle of criminal jurisprudence: the police's absolute legal duty to register a case upon receiving a written complaint that discloses the occurrence of a cognizable offense. This principle gains considerable strength from the Hon'ble Supreme Court's pronouncement in *Lalita Kumari v. Govt. of U.P.*, which firmly established that where an FIR discloses cognizable offenses and is followed by a proper investigation culminating in a charge sheet, the High Court should generally be reluctant to interfere. Indeed, in normal circumstances, the existence of an injury report, suggesting some incident, would typically lend credence to the prosecution's case, making interference by the High Court a rare exception. The argument is that once a *prima facie* case is established after investigation, the judicial process should be allowed to run its course through a full trial.

20. However, the respondents' assertion regarding the police's duty, while legally sound in isolation, operates under a crucial caveat, particularly when confronted with allegations of malicious prosecution. The very essence of the High Court's inherent power under Section 482 Cr.P.C. is

to step in when the criminal process itself is tainted from its inception by malice and an ulterior motive. The Hon'ble Supreme Court has repeatedly cautioned against allowing the criminal justice system to be weaponized for settling civil disputes or personal vendettas. Here, the "mechanical" registration of the FIR by the Chanditala Police Station, as alleged by the petitioners, gains significant credibility when viewed through the lens of the established chronology. The direct correlation between the petitioners' legitimate legal success (the District Magistrate's notice stemming from their PIL) and the immediate counter-allegation gives rise to a strong inference of a "counter-blast". While direct proof of a "nexus" between the police and the complainant might ordinarily require a trial, the allegations of "malice" and "counter-blast" are sufficiently established at this stage by the undisputed chronological facts and the pre-existing legal animosity.

- 21.** The filing of a charge sheet, though generally a deterrent to quashing, does not automatically divest the High Court of its inherent power. As highlighted in *Shaileshbhai Ranchhodbhai Patel vs. State of Gujarat*, the High Court can still quash proceedings if no real offense is disclosed or if the process demonstrably constitutes an abuse of law. Similarly, cases like *Anand Kumar Mohatta & Anr. v. State (NCT of Delhi) & Anr.* (2019) 11 SCC 706 reinforce that generalized allegations or a clear misuse of the legal process warrant quashing. The crucial distinction lies in the motive behind the complaint's initiation. If the criminal process is being demonstrably used as a tool for personal vendetta, to derail legitimate legal actions, or to exact vengeance, then allowing it to proceed would

inevitably lead to the harassment of the accused and a profound miscarriage of justice. This is precisely the scenario Section 482 Cr.P.C. is designed to prevent. The existence of an injury report, while suggesting some incident, must be evaluated within this broader context of the alleged "counter-blast"—was the reported incident genuinely independent, or was it merely a reaction to the petitioners' successful and impactful legal actions? The compelling circumstantial evidence strongly points to the latter.

22. In view of the aforesaid deliberations, and considering the totality of circumstances, particularly the extremely close temporal proximity between the District Magistrate's notice (in furtherance of the petitioners' PIL) and the filing of the impugned FIR, coupled with the petitioners' earlier complaint of an attack, this Court finds an unassailable case made out that the criminal proceedings arising from Chanditala P.S. Case No. 521 of 2022 are indeed a malicious and retaliatory act, constituting a blatant abuse of the legal process.

23. To subject the petitioners to a full-fledged trial under these compelling circumstances would be to not only sanction the egregious misuse of the criminal justice system but also to inadvertently legitimize its deployment as a means to settle private scores and impede legitimate PIL activity.

24. Therefore, I find it imperative to intervene to secure the fundamental ends of justice and unequivocally prevent such a perversion of the rule of law, to exercise this extraordinary and solemn powers. The

circumstances demand quashing, not merely as a matter of discretion, but as a mandatory act to uphold the integrity of the judicial process.

- 25.** In light of the aforesaid determination, the revisional application, CRR 4253 of 2022, stands allowed.
- 26.** For the reasons stated above, the criminal proceedings arising from Chanditala Police Station Case Number 521 of 2022, dated October 12, 2022, under Sections 341/323/354B/504/506/34 of the Indian Penal Code, 1860, including all subsequent proceedings and actions, presently pending before the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, are hereby quashed.
- 27.** There shall be no order as to costs.
- 28.** Interim order/orders, if any, stands vacated.
- 29.** CRAN 1 of 2025 stands disposed of, accordingly.
- 30.** TCR, if any, shall be sent down to the Trial Court, at once.
- 31.** Case Diary, if any, be returned forthwith.
- 32.** Let a copy of this judgment be forwarded to the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, and the Officer-in-Charge, Chanditala Police Station, for necessary action and compliance.
- 33.** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)