

22.12.2025

Court No.34

Item.11

sg

CRR 4769 of 2023

In the matter of: **Hafez Khandakar Anowar Mahamad & Ors.**

Petitioners.

Mr. P.K. Banerjee

...for the petitioners.

Mr. Debasish Roy

Mr. Arijit Ganguly

Ms. Pushpita Saha

...for the State.

1. Affidavit of service filed by the petitioner reveals that item delivered on 13th December, 2025.
2. None appears on behalf of the opposite party no.2.
3. This revisional application has been filed by the present petitioners for quashing of the charge sheet being charge sheet no. 459 of 2017 dated October 26 of 2017 in G.R. Case No. 1839 of 2017 under Section 341/325/ 506/34 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Hooghly.
4. It is the case of the petitioner that there exists dispute between the parties over which the partition suit is pending in the year 2011 an order of status quo was granted by the Civil Court because of such opposite party no.2 has filed application under Section 156(3) of the Code of Criminal Procedure before the learned

Court of Additional Chief Judicial Magistrate, Serampore against the present petitioners for the false and concocted story.

5. It is submitted by the learned advocate representing the petitioner that the petitioner no.1 is aged about 93 years and petitioner no.2 is 75 years, petitioner no.3 is an assistant teacher and petitioner no. 4 is a house wife residing at different place.

6. It is submitted that in the charge sheet name of the petitioner no.3 has not been incorporated and he has been discharged and no material found against him and there is long delay in filing of such complaint and without complying the provision of Section 154(1) of the Cr.P.C. Accordingly prays for quashing of the proceeding.

7. Learned prosecution raises objection, however, submits the report pursuant to the direction of this Court wherefrom it is found at the outset that though notice was issued to the defacto-complainant by the Investigating Officer to produce the supporting documents with regard to his application about theft of gold chain and having cash amount, he did not product any such documents and thereby theft could not be detected by the Investigating Officer.

8. It further transpires that the defacto-complainant further failed to produce any medical documents about the treatment present petitioners, whom he allegedly to have been rescued as mentioned in the written complaint. It is submitted candidly and there is no seizure list or Doctor has not been cited as a witness.

The injury report as was collected where physical assault by the present petitioners are mentioned.

9. Heard both the learned advocates, On careful perusal of the contents of the complaint it is seen that it was filed under Section 156(3) in respect of an incident dated 28th June, 2017 before the learned Court on 19th July, 2017 that is almost after a month and in the written complaint no explanation for such has been given regarding and nothing is found, to comply with the requirement of section 154 (1) of the Cr.P.C. as mandated by the Hon'ble Apex Court.

10. On perusal of the statements given by the prosecution witnesses who are the relatives of the defacto-complainant and considering age of the present petitioner no.1 and 2 and who are aged about 93 years 75 years respectively. The petitioner no.4 is a housewife lady and not a residual of that locality and the existing inimical relation between the parties glaringly visible the complaint as has been lodged ascribing the manner of the physical assault appears to be improbable on the face of it.

11. The injury report contains the names of the petitioner. The petitioner no.3 has not named in the charge sheet even though his name transpire in the injury report. The Doctor has not been cited as witness to prove the injury report which is the basis to constitute an offence under Section 325 of the Indian Penal Code. No ingredients or specific description of the offence as alleged to have

been committed under Section 455 also found from the four corner of the written complaints and there is no seizure list whereby any of the alleged offending wooden stick was seized or any seizure list of torn T-shirt as mentioned in the statement and/or no amount as was alleged to have been stealing or recovered. In the case of **State of Haryana Vs.- Bhaganlal 1992 Supp (1) SCC, 335** the Hon'ble Supreme Court considered in detail the scope of the High Court powers under Section 482 Cr.P.C. to quash the FIR/complaint and referred the following cases in which FIR/complaint can be quashed and in Clause (3) it was mentioned that where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused. It is also held in the case of **R.P. Kapur Vs. State of Punjab AIR 1960 SC 866** that it envisages there circumstances under which the inherent jurisdiction may be exercised namely (i) to give effect to an order under the Code, (ii) to prevent abuse of the process of Court and (iii) to otherwise secure the ends of justice.

12. Therefore, in view of the above facts and circumstances, this Court finds no material or any sufficient material to attract any of the provision under which charge sheet has been submitted if the matter is relegated to the trial Court that would gross abuse of process of law.

13. Hence instant criminal revisional application stands quashed against the petitioner no.3 as expunged his name has not mentioned in the charge sheet.

14. Case Diary be returned to the learned advocate for the State.

15. Parties are to act on the server copy of this order downloaded from the official website of the Calcutta High Court.

(Chaitali Chatterjee (Das), J.)