

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 5335 of 2024

Aktari Khatun

Versus

The State of West Bengal and Another

For the Petitioner : Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
Ms. Seema Thakur, Adv.

For the O.P. No. 2 : Mr. Anirban Mitra, Adv.
Mr. Sajal Kanti Bhattacharyya, Adv.

For the State : Mr. Rudradipta Nandi, Adv.
Mr. D. Dutta, Adv.

Heard on : 18.09.2025

Judgment on : 18.09.2025

Ajay Kumar Gupta, J:

1. The petitioner preferred this application under Section 401 read with Section 482 of the Code of Criminal Procedure read with Section 528 of BNSS, 2023 seeking quashing of FIR being Itahar P. S. Case No. 706 of 2024 dated 03.12.2024 under Sections 420/406/506/34 of the IPC (G. R. No. 2705 of 2024) now pending before the learned District and Sessions Judge, Uttar Dinajpur at Raiganj.

2. The brief facts of the case are that the complaint was lodged against the present petitioner and her husband by the de-facto complainant/opposite party no. 2 alleging, *inter alia*, that he had paid a sum of Rs. 10 lakhs on various dates for securing job of his son to the accused persons. But, money has not been returned though he was assured that if service would not have provided, the entire money will be refunded.

3. On the basis of the said written complaint, an FIR was registered being Itahar P.S. Case No. 706 of 2024 dated 03.12.2024 under Sections 420/406/506/34 of the IPC against the present petitioner and her husband.

4. Learned counsel representing the petitioner submits that the petitioner is a primary teacher working at Gokorna F. P. School at Gokorna, Dakshin Dinajpour on and from 10.02.2017. She has been

falsely implicated into this case. Payment of Rs. 10 lakhs does not arise. She did not receive any money from the de-facto complainant or anybody else for securing job to the de-facto complainant's son. The allegation is out and out false and fabricated.

5. The learned counsel also raised a preliminary question of limitation of lodging complaint without explaining delay as the allegation of payment of money made prior to 2019 but the FIR was lodged in the year 2024. Therefore, only on such score of limitation and false allegation, the FIR is liable to be quashed to prevent abuse of process of law.

6. On the other hand, learned counsel appearing on behalf of the State produced the case diary and submits that the allegation against the present petitioner is serious and FIR discloses the cognizable offence. Investigation is under progress. During investigation, several documents were seized, which indicates prima facie case of her involvement. Charge sheet has not been filed as yet. Therefore, this case is required to be dismissed.

7. The learned counsel appearing on behalf of the opposite party no. 2 also submits that the payment was made on several dates. A Salish was held between the parties in presence of local people. She has returned Rs. 50,000/- after Salish but not returned

rest of the amount despite assurance. He prays for dismissal of the Criminal Revisional application.

8. Having heard the submissions of the respective parties and upon perusal of the case diary, this Court finds that FIR discloses cognizable offence. Several documents and statements recorded under Sections 161 and 164 of the CrPC support the prima facie allegations of offence committed by the petitioner. Therefore, this case is not a fit case for allowing quashing under Section 482 of the CrPC.

9. We should not forget, the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others***¹ has laid down the several principles to be followed by the Court while exercising its power under Section 482 of the Cr.P.C. or under Article 226 of the Constitution of India out of those principles, few are as follows: -

“i) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).

ii) Criminal proceedings ought not to be scuttled at the initial stage;

¹ (2021) SCC Online SC 315

iii) *Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*

iv) *The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court;*

v) *While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*

vi) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the*

investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

vii) When a prayer for quashing the FIR is made by the alleged accused and the Court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the Court has to permit the investigating agency/police to investigate the allegations in the FIR;”

10. In the above back drop and relying upon the guidelines of the Hon’ble Supreme Court, **CRR 5335 of 2024** is **dismissed**.

Connected applications, if any, are also, thus, disposed of.

11. Case diary, if any, be returned to the learned counsel for the State.

12. Interim order, if any, stands vacated.

13. Let a copy of this judgment be communicated to the learned court below for necessary information.

14. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

15. Urgent Photostat certified copy of this judgment, if applied for, is to be given expeditiously to the parties upon compliance of all legal and necessary formalities.

(Ajay Kumar Gupta, J)

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