

18.08.2025
SL. 5
Court No. 3
Sourav

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

**C.R.R. 120 of 2025
With
C.R.A.N. 3 of 2025**

In re: An application Under Section 401 read with Section 482 of the Cr.P.C., 1973 corresponding to Section 442 read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023.

And

In the matter of: **Sunita Devi Agarwal & Ors.**

... petitioners.

Mr. Debasish Mukhopadhyay
Mr. Biswajit Deb
Ms. Kritika Deb

... for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Abhijit Sarkar

... for the State.

1. This is an application for quashing of the criminal case arising out of Matigara Police Station Case No. 23 of 2025 dated 10.01.2025 under Sections 316(2)/318(4)/336(2)(3)/340(2)/3(5) of the Bharatiya Naya Sanghita which is pending before the learned Additional Chief Judicial Magistrate, Siliguri.
2. At the time of hearing, learned advocate appearing on behalf of the revisionists at the very outset draws attention of this Court to the written complaint dated 10.01.2025 as lodged by one Sri Tamal Kundu, I.C., Matigara P.S. on the basis of which the aforementioned P.S. case was started.
3. It is submitted on behalf of the revisionists that on perusal of the written complaint dated 10.01.2025, it would reveal

that challenging the legality, validity and correctness of the alleged fake general power of attorney as claimed to have been executed by one Somnath Kundu, father of the defacto complainant in favour of one Amulya Kumar Dutta, a title suit bearing no. 42 of 2016 is pending before the jurisdictional Civil Judge at Siliguri.

4. It is further submitted that from the materials as placed before this Court along with the instant revisional application, it would reveal that in a clandestine manner a civil dispute has been converted into a criminal litigation for some unlawful gain.
5. It is further submitted that no *prima facie* case has been made out as against the present revisionists in the said written complaint and as such, an appropriate order may be passed for quashing of the aforementioned P.S. case in exercise of the inherent power of the High Court under Section 528 of BNSS.
6. Per contra, Mr. Sarkar, learned Public Prosecutor-in-Charge after handing over the Case Diary of the aforementioned P.S. case draws attention of this Court to the various statements as recorded by the I.O. in connection with the investigation arising out of the aforementioned P.S. case.
7. It is further submitted by Mr. Sarkar that from the C.D., it would reveal further that investigating officer has made requisition with the bank where an account of the said Somnath Kundu was lying for providing specimen

signature.

8. It is thus submitted by Mr. Sarkar that the investigation is still in progress and, therefore, it would not be proper to quash the entire proceeding as prayed for.
9. On careful perusal of the entire materials as placed before this Court including the materials as available in the Case Diary, it does not appear to this Court that in the event, the allegation as made out in the written complaint is looked into by no stretch of imagination, it can be said that no *prima facie* case has been made out for constitution of offences under which the aforementioned P.S. case has been started.
10. As rightly pointed out by Mr. Sarkar that admittedly there are some incriminating materials against the present accused petitioners in the C.D. It further appears that the I.O. has made requisition from the relevant bank for obtaining the specimen signature of the said Somnath Kundu probably for comparison of the same with the signature as available in the registered deed of power of attorney.
11. Such being the position, this Court considers that no case has been made out on behalf of the revisionists for invoking the inherent power of this Court under Section 528 of BNSS at least at this stage.
12. With the aforementioned observations, the instant criminal revisional application being **CRR 120 of 2025** is dismissed.

13. In view of the dismissal of the instant Revisional application, the interlocutory application being **CRAN 3 of 2025** as well as all other pending interlocutory applications, if therebe any, are also dismissed.
14. There shall be, however, no order as to costs.
15. Case Diary be returned.

(Partha Sarathi Sen, J.)