

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

Present:

The Hon'ble Justice Rai Chattopadhyay

**CRR 358 of 2025
Gautam Sunam & Ors.
Vs.
The State of West Bengal & Anr.**

For the petitioner : Dr. Arjun Chowdhury
: Ms. Pratusha Dutta Chowdhury
: Ms. Sunayana Parveen
: Mr. Bappaditya Roy
: Ms. Riya Agarwal
: Ms. Mantu Mandal

For the State : Mr. Nilay Chakraborty, Ld. APP
: Mr. Subhasish Misra

For the Opposite Party No. 2 : Mr. Bikramaditya Ghosh
: Mr. Mayank Bhandari
: Mr. Ved Rai
: Mr. Vivek Saha

Heard On : **18.12.2025**

Judgment On : **18.12.2025**

Rai Chattopadhyay, J.

1. This is a revisional application filed by the petitioners to challenge the proceedings in GR case No. 5301 of 2021 dated 15.11.2021 under Sections 447, 323, 506, 465, 468, 471, 420 and 120B of the Indian Penal Code, in connection with Matigara Police Station Case No. 1303 of 2021 dated November 15, 2021, now pending in the Court of the Additional Chief Judicial Magistrate at Siliguri.

According to the petitioner, the instant FIR is the second in line with the self-same allegation as the de facto complainant made in the earlier FIR against them being Matigara Police Station case No. 832 of 2020 dated August 09, 2020 under Sections 406, 420, 468, 471 and 34 IPC. Therefore, being the second FIR by the same party and on the self-same allegations, the instant FIR as well as the proceeding pursuant thereto are not maintainable in the eye of law.

2. Dr. Arjun Chowdhury, learned advocate for the petitioner has further submitted that the FIR contends unfounded allegations not disclosing any cognizable case against the petitioners. He submits that, from a previous date, the parties have been involved in civil suits and other proceedings before the civil Court concerning the piece of land and there would not be any criminal act involving the present petitioners in connection with the allegation as made against them. He has further referred to an order of the Supreme Court in ***Ranimol and Others Vs. State of Kerala and Anr. reported in 2025 SCC OnLine SC 2776*** to submit that since the instant FIR is only about adding some abrupt and baseless allegation in addition to the earlier FIR, though without any basis for the same and the crux of contention of the de facto complainant having remained same in both the FIRs, the second one that is the instant one, is not to be considered as maintainable, as held by the Supreme Court in the said judgment.
3. Dr. Chowdhury, learned advocate for the petitioner has further submitted that, in spite of alleging several offences against the petitioner, none of those could be substantiated at the time of submission of charge-sheet, excepting those under Sections 341, 323, 506 and 34 of the Indian Penal Code.

4. He has further mentioned that, the prosecution case is dependent on the statement of only one witness examined by police during investigation without any corroboration by the other witnesses or materials.
5. For the reasons as above, Dr. Chowdhury, learned advocate for the petitioner has sought for quashing of the entire proceeding against the petitioners, pursuant to the FIR as mentioned above and now pending before the learned Trial Court.
6. Mr. Bikramaditya Ghosh has represented the de facto complainant. According to Mr. Ghosh, who raises objection as to the contention and prayer of the petitioner, the instant FIR is based on allegations which emanate from the different occurrences as well as are of absolute different nature. Accordingly, the instant FIR cannot be considered as the second one on the self-same allegation as made against the present petitioners in the earlier FIR as mentioned above.
7. It is submitted further that, strong prima facie case has been made out against the petitioners in the instant FIR and upon finding prima facie material against the petitioners during investigation, the police has submitted charge-sheet against them. In such circumstances, according to Mr. Ghosh, the petitioners are required to be sent for trial for the ends of justice.
8. Mr. Nilay Chakraborty, learned Assistant Public Prosecutor has represented the State and substantially supported the submissions made on behalf of the opposite party No. 2.

9. On perusal of the materials on record as well as the submissions of the respective parties, the Court finds that, previously Matigara Police Station Case No. 832 of 2020 dated August 09, 2020, connected with GR Case No. 3780 of 2020 was filed against the present petitioners under Sections 406, 420 and 468 of the IPC.
10. In 2021, the instant FIR being Matigara Police Station No. 1303 of 2021 dated November 15, 2021 corresponding to GR Case No. 5301 of 2021 under Sections 465, 468, 471, 420 and 120b, IPC was lodged. It further appears that, after investigation, the police has submitted charge-sheet in the instant case under Sections 341, 323, 506 and 34 of the Indian Penal Code. This has been done obviously since the police has not found any material during investigation with respect to the other offences as alleged against the petitioners. This does not automatically mean the entire case to be only fabricated and unfounded against the petitioners. It is worth noting that, so far as the offences under Sections 341, 323, 506 and 34 are concerned sufficient materials are available against them, from the FIR of the case as well as the materials in CD.
11. At this juncture, a celebrated case of the Supreme Court may be referred to in ***State of Haryana Vs. Bhajan Lal*** reported in **(1992) Supp (1) SCC 335** which has laid down the classical guidelines and yardsticks on the basis of which a criminal proceeding can be found to be justified against an accused person. Let the relevant portion of the same be quoted as below-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by

way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) 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.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) 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.

- 12.** The Court has noticed that the previous case against the petitioners by the de facto complainant has been under Sections 406, 420 and 468 of the Indian Penal Code. Therefore, the allegations and its nature in the instant case is substantially different from that of the previous FIR. The Court also finds that, with regard to the specific guidelines and yardsticks as mentioned in ***Bhajan Lal's Case***

(Supra), it cannot be said that the present FIR has not made out a cognizable case against the petitioners, or that the allegations are improbable. Also, that the petitioners have come to challenge the proceedings unreasonably belatedly without any cause shown for the same.

- 13.** For the reasons as above, the Court is of considered opinion that, there is no cogent ground made by the petitioners in this case to quash the proceeding against them in connection with the present FIR in the Trial Court, that being in abuse of the process of the Court. Instead the materials already brought on record against the petitioners by the prosecution requires the trial to be held to unearth the truth and for the ends of justice.
- 14.** On the finding as above, the Court is constrained to dismiss the present revision filed by the petitioners.
- 15.** The revision No. **CRR 358 of 2025** is dismissed.
- 16.** Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance with all requisite compliances.

(Rai Chattopadhyay, J.)