

16.02.2026

Court No.34

M/L.65

sg

**CRR 328 of 2023
in
I.A. No. CRAN 1 of 2023, CRAN 2 of 2024,
CRAN 3 of 2026**

In the matter of : **Vivekananda Gope.**

Mr. Abhisekh Gupta
Mr. Dipendu Sarkar

...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Paramanick

...for the State.

1. Opposite party No.2 did not turn up.
2. This is an application under Section 482 of the Code of Criminal Procedure filed for quashing of the proceeding being G.R. Case No. 943 of 2022 arising of Tehatta Police Station Case no. 432 of 2022 dated 2nd May, 2022 and also chargesheet submitted on July 9, 2022 under Sections 448/323/506 of the Indian Penal Code, 1860.
3. Brief fact of the case of the petitioner is that he is a medical practitioner and the entire impugned proceeding has been purposely orchestrated as counter-blast to the numerous prosecutions taken by him against the complainant for his illegal activities. It is initiated only to abuse the process of law to browbeat the petitioner because of long standing disputes pending between the parties.

4. Learned advocate appearing on behalf of the petitioner submits that the incident alleged to have taken place on 27th April, 2022, when the present petitioner met with an accident on 21st April, 2022 and suffered fractured injury was under treatment and was completely indisposed therefore, in no way he was in a position to do such activities as narrated in the written complaint. Therefore the entire story made out is false and concocted and is with ulterior motive. The investigating authority on completion of investigation without considering facts and circumstances submitted the chargesheet against present petitioner. Accordingly the petitioner has come up before this Court for quashing the same.

5. The Learned prosecution raises objection and would submit that prima facie enough incriminating material exists against the petitioner since chargesheet has been submitted on completion of investigation hence the petitioner must face the trial.

6. Heard the submission of both the learned advocates. The opposite party no.2 as defacto-complainant lodged the complaint on 29th April, 2022 in respect of an incident alleged on 27th April, 2022 whereby the defacto-complainant suffered injuries on account of the assault made on him by the petitioner. That apart, written complaint itself manifest that the parties are admittedly on inimical terms and several other proceedings already pending between them. The existence of prior and ongoing litigation clearly demonstrates strained relations thereby possibility of the present complaint being a product of personal vendetta cannot be ruled out but question is

whether on such apprehension the entire proceeding can be quashed at the threshold .The statement recorded by the Investigating officer are perused carefully which prima facie suggest the presence of accused person however no medical paper was supplied by the defacto-complaint in course of investigation.

7. It is settled law that while exercising the power under Section 482 of the Code of Criminal Procedure the High Court does not function as a court of appeal or revision .Inherent jurisdiction has to be exercised sparingly ,carefully and with caution and only when it is justified by the test specifically laid down in the section itself . In the case of R.P Kapoor vs State of Punjab AIR SC866 1960 it was held that in exercising jurisdiction under inherent power the High Court should not embark upon an enquiry as to whether the evidence in question is reliable or not .That is the function of the trial Magistrate and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and contend that on a reasonable appreciation of evidence, the accusation made against the accused would not be sustained.

8. The stand taken by the petitioner regarding his presence at the place of occurrence at the relevant day and time is to be substantiated by adducing cogent evidence and this court cannot assess the same holding a mini trial .Therefore it is not a fit case where at the threshold when the charge has not yet been framed the entire proceeding can be quashed

9. This Court is not inclined to allow the prayer of the petitioner. Hence the revisional application stands dismissed along with all the connected applications.

10. 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.]