

05.03.2026

Sl. No.10.

D/L.

BD.

Ct.No.29.

CRR/585/2025

**Rudra Prasad Ghosh @ Rudra Prosad Ghosh & Anr.
Vs.
The State of West Bengal & Anr.**

Mr. Sourav Mondal,
Mr. Subhajit Chowdhury,
Mr. Arijit Bhuiya,
Mr. Rony Mondal
Mr. Debarghya Sil

... for the petitioners

Mr. Debasish Roy
Mr. Kaushik Kundu
Mr. Tirupati Mukherjee

... for the State.

Affidavit of service filed by the petitioners is taken on record.

Opposite party no.2 is not represented.

The defacto complainant made an allegation before the concerned police station to the effect that on 26.07.2022 in the afternoon she came to learn that her mother expired. Thereafter she along with her husband and minor daughter went to join the funeral ceremony of her mother but the petitioners who are her brother and brother's wife ignored them and denied them to give access to see and touch the feet of her deceased mother and later on she came to learn that the petitioners did not invite them to the Sraddha ceremony of her deceased mother and as a result she suffered mental pain and agony by such conducts of the petitioners.

Being aggrieved by the said proceeding, learned Counsel for the petitioners submits that the Court below had mechanically taken cognizance of the offence alleged against the petitioners. The ingredients of the alleged offence are completely lacking and even if the entire facts are believed to be true at their face value it will not come within the ambit

of defamation or any other offences. Therefore he has prayed for quashing of the impugned proceeding.

Learned counsel for the State opposed the prayer and placed the case diary.

I have considered the submissions made on behalf of the petitioners and State.

Having gone through the statement recorded under section 161 of the Cr. P.C. and the other materials available in the case diary, I find that during investigation prosecution has failed to make out any criminal case against the petitioners. On a bare reading of the contents of complaint and the materials collected during investigation, including the statements, one must have come to a conclusion that the ingredients of offence of defamation or criminal intimidation or any insult to the modesty of women does not attract. Therefore on facts it is noticed that there is no likelihood of the accused being convicted of either of the offences alleged. The impugned prosecution is wholly unfounded. The veiled object behind the lame prosecution is apparently to harass petitioners who are her near relatives. Under such circumstances it would be an abuse of the process of law to allow the prosecution to continue against his own brother and brother's wife, on the basis of vague and general complaint, which does not constitute any criminal offence. In fact complainant unnecessarily has tried to criminalise an emotional outburst, which has no recognition in criminal law.

In such view of the matter, CRR 585 of 2025 is allowed.

The impugned proceeding being GR Case No. 9772 of 2022 presently pending before learned Judicial Magistrate, 1st Court, Barrackpore is hereby quashed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)