

07.04.2026

Ct. No.42

D/L 36

Mujahid

CRR 1124 of 2025

Siddhartha Ray @ Siddhartha Roy
Vs.
The State of West Bengal & Anr.

Mr. Shataroop Purakayastha
Ms. Rajorna Masumder

...for the petitioner

Mr. Arindam Sen
Mr. Subhajit Chowdhury

...for the State

Mr. Sayan Mukherjee
Ms. Tamoghna Chatterjee

...for the opposite party no.2

1. Present petition has been filed for quashing of charge-sheet no. 72 of 2021 dated 31.03.2021 under Sections 341/323/354/509/506 of the IPC and the entire proceedings being A.C.G.R. no. 422 of 2021 arising out of Haridevpur P.S. Case No.27 dated 30.01.2021.

2. Learned counsel for the petitioner submits that the present proceedings are totally abuse of the process of the Court and is liable to be quashed. Learned counsel for the petitioner invite the attention of the Court to the complaint of opposite party no.2 dated 30th January, 2021 on the basis of which FIR no.27/2021 was lodged. Learned counsel submits that the bare perusal of the complaint makes it clear that no offence under Section 354 IPC or other offences are made out. Thereafter learned counsel has taken the court to the 161 Cr.P.C. statements of Anuva Ganguly, Swaraj Ganguly, Ria Guha, Arnab

Guha and Partah Pratim Bhattacharjee. Learned counsel has taken pains to invite the attention of the Court to the statement recorded under Section 164 Cr.P.C. of Ria Guha to buttress his contention that there are material contradictions in the testimony of prosecution witnesses which reveals the mala fide intention. Reliance has also been placed on the 164 Cr.P.C. statement of the de facto complainant.

3. Learned counsel submits that not only there are material contradictions and improvements in the testimony of the prosecution witnesses, the ingredients of offence are also not made out. Learned counsel has placed reliance upon the judgment of the Co-ordinate Bench of this Court in **Sumit Kr. Gupta vs. State of West Bengal**, 2014 Supreme (Online)(Cal) 18 as well as **Mushtaq Ahmad Sha & Ors. vs. UT of J&K & Ors.**, 2025 Supreme (Online)(J&K) 1145. Learned counsel submits merely allegation of pushing a woman by hand does not fulfill the ingredient of Section 354 of the IPC. Learned counsel also submits that mere assault or use of criminal force to a woman simplicitor, without there being any intention on the part of the accused to outrage the modesty of the women, would not fall within the definition of the offence punishable under Section 354 of the IPC. Learned counsel submits that therefore the present proceedings may be quashed.

4. Learned counsel for the State has opposed the submissions made by the learned counsel for the petitioner. Learned counsel submits that the prosecution witnesses have made a consistent statement. Learned counsel for the State has

also placed translated copy of statement recorded under Section 164 Cr.P.C. of de facto complainant and Ms. Ria Guha. Learned counsel submits that all the statements have duly been corroborated by the medical evidence. Learned counsel further submits that at this stage the court cannot meticulously examine the probative value of the prosecution witnesses.

5. Learned counsel for the opposite party no.2 has also vehemently opposed the present revision petition and submits that the arguments being raised by the learned counsel for the petitioner have no substance. Learned counsel submits that this Court at the stage of quashing cannot examine threadbare examination of the testimony of the prosecution witnesses and the material placed by the prosecution. Learned counsel submits that such exercise can be conducted only after the conclusion of the trial.

6. It is a settled proposition that scope of interference under Section 482 Cr.P.C. is though wide, but consistently it has been laid that the same has to be exercised with grave circumspection. In this regard it is advantageous to refer to the **State of Karnataka vs. M. Devendrappa & Anr.**, 2002 (1)

Supreme 192, wherein it was inter alia held as under:-

“As noted above, the powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. High Court being the highest Court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the

issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage. [See: *The Janata Dal etc. vs. H.S. Chowdhary and Ors. etc.* (AIR 1993 SC 892), *Dr. Raghubir Saran vs. State of Bihar & Anr.* (AIR 1964 SC 1)]. It would not be proper for the High Court to analyse the case of the complainant in the light of all probabilities in order to determine whether a conviction would be sustainable and on such premises, arrive at a conclusion that the proceedings are to be quashed. It would be erroneous to assess the material before it and conclude that the complaint cannot be proceeded with. In proceeding instituted on complaint, exercise of the inherent powers to quash the proceedings is called for only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same in exercise of the inherent powers under Section 482 of the Code. It is not, however, necessary that there should be meticulous analysis of the case before the trial to find out whether the case would end in conviction or acquittal. The complaint has to be read as a whole. If it appears that on consideration of the allegations in the light of the statement made on oath of the complainant that the ingredients of the offence or offences are disclosed and there is no material to show that the complaint is mala fide, frivolous or vexatious, in that event there would be no justification for interference by the High Court. When an information is lodged at the police station and an offence is registered, then the mala fides of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in Court which decides the fate of the accused person. The allegations of mala fides against the informant are of no consequence and cannot by itself be the basis for quashing the proceeding. [See: *Mrs. Dhanalakshmi vs. R. Prassanna Kumar and Ors.* (AIR 1990 SC 494), *State of Bihar & Anr. vs. P.P. Sharma I.A.S. & Anr.* (1992 Suppl. (1) SCC 222), *Rupan Deo Bajaj (Mrs.) & Anr. vs. Kanwar Pal Singh Gill & Anr.* (1995 [6] SCC 194), *State of Kerala & Ors. vs. O.C. Kuttan & Ors.* (1999 [2] SCC 651), *State of U.P. vs. O.P. Sharma* (1996 [7] SCC 705), *Rashmi Kumar (Smt.) vs. Mahesh Kumar Bhada* (1997 [2] SCC 397), *Satvinder Kaur vs. State (Govt. of NCT of Delhi) and Anr.* (1999 [8] SCC 728), *Rajesh Bajaj vs. State NCT of Delhi and Ors.* (AIR 1999 SC 1216)].”

7. The Constitutional Courts have time and again emphasized that the testimony of the witnesses are to be examined for the purpose of finding it is truthfulness only after the witnesses have been put to the rigour of the cross-examination. The discretion of Section 482 Cr.P.C. can only be exercised if the case on its face value is frivolous or vexatious and no case is made out. The court at this stage cannot go into the correctness or otherwise of the material placed by the prosecution in the charge-sheet. Reliance may be placed upon **Manik B vs. Kadapala Sreyes Reddy & Anr.**, SLP (Crl) No. 2924 of 2023.

8. It is no more res integra that the court, at this stage, cannot go into the veracity of the allegations and material collected by the police during the course of investigation. The court, at this stage, is only required to see that whether any sufficient material is available to proceed further against accused for which accused is required to be tried or not. The issue whether the criminal proceedings are malicious or not is required to be considered at the conclusion of the trial. Reliance can be placed upon **Central Bureau of Investigation vs. Aryan Singh Etc.**, 2023 0 Supreme (SC) 334.

9. The Court while exercising the discretion under Section 482 Cr.P.C. cannot resort to a power so as to cut short the proceedings without affording the prosecution giving an opportunity of conducting the trial. The reliability or genuineness of allegations made in the FIR of the complaint are to be tested on the basis of the evidence.

10. The Court considers that there is no substance in the arguments being raised by the learned counsel for the petitioner.

11. In view of the discussions made hereinabove, the present revision petition is dismissed.

12. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)