IN THE HIGH COURT AT CALCUTTA

CRIMINAL REVISIONAL JURISDICTION

Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. No. 752 of 2017

Mr. Sujoy Dhar & Ors.

Versus

The State of West Bengal & Another

For the Petitioners	:	Mr. Rahul Ganguly, Adv.
For the State	:	Mr. Kallol Kumar Basu, Adv. Ms. Pramita Banerjee, Adv.
Heard on	:	28.09.2026
Judgment on	:	06.10.2026
Uploaded on	:	06.10.2026

Ajay Kumar Gupta, J.:

1. The instant Criminal Revisional application is filed at the behest of the petitioners/accused persons under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.), seeking quashing of the proceedings being SC and ST Case No. 03/2016 arising out of

Bowbazaar P.S. Case No. 311/2016 dated 01.09.2016 under Section 3 (za)(A) of the Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, 1989 and under Sections 290/114 of the Indian Penal Code, pending before the Court of the Learned Special Judge, City Sessions Court, Calcutta and all orders passed therein.

2. The Petitioners are the landlords of premises No. 309, Bipin Behari Ganguly Street, Kolkata Lot A, Kolkata – 700 012 in which the opposite party no. 2 and others were occupants of Room no. 11 of the 2nd Floor. The Opposite Party no. 2 is the General Secretary of the All India Scheduled Castes/Tribes and Backward Classes Employees Co-ordination Council.

3. The brief facts leading to the filing of the instant Criminal Revisional application are that the de-facto complainant/opposite party no. 2, along with other members of the Council, was alleged to have been illegally prevented from using the toilet by the petitioners herein.

4. It was alleged that the petitioners have been harassing and ill treating the opposite party no. 2 and his fellow members by trying to oust them from the premises illegally, and in such course, has filed an Ejectment Suit. The members of the Council have been harassed constantly. After repeated requests to keep the toilet open for their members, the petitioner no. 1, vide his letter dated 07.03.2016, has specifically advised them to approach the appropriate forum for

redressal of their grievances and has intentionally padlocked the toilet, preventing them from using the same, resulting in registration of the aforesaid case.

5. After culmination of investigation, the Investigating Agency submitted charge sheet being No. 253/2016 dated 20.11.2016 under Sections 290/114 of the IPC and Section 3(za)(A) of the SC & ST (POA) Act, 1989 against the present petitioners.

6. Upon submission of such charge sheet, the learned Special Judge, City Sessions Court (NDPS Act), Calcutta, by his order dated 22.11.2016, was pleased to take cognizance of the offences disclosed in the Charge Sheet and was further pleased to fix 08.12.2016 for further order.

7. Learned counsel appearing on behalf of the petitioners submitted that the complaint is false, frivolous, vexatious and oppressive only to harass the petitioners as they are the landlords of the aforesaid premises, where the opposite party no. 2 is the occupant of Room No. 11 on the 2nd Floor. The petitioners' case is that one Shakti Kumar Sarkar originally occupied the tenanted premises. However, subsequently, the said Council members along with the opposite party no. 2 have illegally occupied the said premises for the Council's office meetings.

8. The petitioners, being the landlord, had sent a legal notice under Section 6(4) of the West Bengal Premises Tenancy Act, 1997 dated 20.05.2013 to Mr. Shakti Kumar Sarkar to vacate the said premises as he had illegally sublet the scheduled property to the council without prior permission of the petitioners. On 24.05.2013, the Petitioners sent a notice to the members of the Council, on account of illegally occupying the aforesaid premises, requesting them to vacate the same and deliver peaceful possession to the Petitioners.

9. The members of the Council, however, refused to vacate the premises. Accordingly, the petitioners approached the Learned Small Causes Court at Calcutta and filed Ejectment Suit No. 558 of 2013 against the opposite party no. 2 and the erstwhile tenant, Sri Shakti Kumar Sarkar.

10. The opposite party no. 2, in retaliation, lodged a complaint only to harass the landlords and to protect them from eviction from the suit premises and humiliated the petitioners by implicating the false and frivolous case with motive to wreak vengeance upon them. Even after culmination of investigation, the investigating officer submitted the charge sheet mechanically, without proper investigation and in a perfunctory manner.

11. Finally, learned counsel prays for quashing of the aforesaid proceedings; otherwise, the petitioners would face great hardships, and further it would be an abuse of process of law.

12. None appeared on behalf of the opposite party no. 2. No accommodation has either been sought for. The case is pending since 2017.

13. Learned counsel appearing on behalf of the State submitted that the case diary is lying with the Trial Court Records, from where it transpires that the witnesses have established the allegation against the present petitioner. The investigating officer properly investigated the case and recorded statements of the available witnesses, including the caretaker and recorded statements under Section 161 of the Cr.P.C. and finally submitted the charge sheet when a prima facie case has been established against the present petitioners. Accordingly, the case is liable to be dismissed and requires a full-fledged trial to unearth the truth and punish the real culprits

14. Having heard the submissions of the learned counsels for the respective parties and on perusal of the Trial Court Records, Case Diary as well as Charge Sheet, this Court finds that several statements of the witnesses have been recorded under Section 161 of the Cr.P.C.

15. It further appears from the statement of the caretaker of the premises that earlier the opposite party no. 2 and other members were allowed to use the toilet in the said premises. However, subsequently, a padlock was put so that they could not use the toilet, which constitutes the commission of the offence alleged against the petitioners.

16. Upon overall consideration of the materials available in the Case Diary, this Court finds that there is a prima facie case established against the present petitioners with the commission of alleged offence. It is an undisputed fact that the de facto complainant and the other members of the Council were using the premises in which an ejectment suit is pending. It also appears from the statements that the Opposite Party No. 2 initially had access to the toilet but subsequently, the Petitioners stopped their access by putting a padlock on the said toilet.

17. This Court cannot embark upon the trial or even mini trial to ascertain whether the allegations made by the complainant are really genuine or false. That can only be ascertained by a full-fledged trial before the jurisdictional Court.

18. The Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. (Supra)*** has also laid down several guidelines to be followed by the court while exercising its power under Section 482 of the Cr.P.C./or

under Article 226 of the Constitution of India. Out of those guidelines, a few are as under:-

> *"i) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).*
>
> *ii) Criminal proceedings ought not to be scuttled at the initial stage;*
>
> *iii) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*
>
> *iv) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court;*
>
> *v) While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*
>
> *vi) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*
>
> *vii) When a prayer for quashing the FIR is made by the alleged accused and the Court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the Court has to permit the investigating agency/police to investigate the allegations in the FIR;"*

19. In the light of above discussions and also in view of the aforesaid guidelines laid down by the Hon'ble Apex Court, this Court finds that the record and materials clearly establish a prima facie case against

the petitioners for commission of the offence as alleged; as such, the revisional application is devoid of merits and accordingly, fails.

20. In view of the facts as discussed, **CRR No. 752 of 2017** is **dismissed**. Connected applications, if any, stand disposed of.

21. Trial court record along with Case diary, if any, is to be returned to the learned Trial court for information and take necessary steps accordingly.

22. The Trial court is directed to proceed with the case and conclude the trial as expediously as possible without granting unnecessary adjournment to the parties as the case is pending since long and take is to a logical conclusion independently and in accordance with law without being influence by any of the observation made in this court in the case in hand.

23. Let a copy of this Judgment along with T.C.R. be sent to the Learned Court below for information.

24. Interim order, if any, stands vacated.

25. All parties will act on the server copies of this Judgment and Order uploaded on the official website of this Hon'ble High Court.

26. Urgent photostat certified copy of this Judgment and Order, if applied for, is to be given as expeditiously to the parties on compliance of all legal formalities.

(Ajay Kumar Gupta, J)

P. Adak (P.A.)