

30.03.2026
Item No.11
Ct. No. 34
nb

C.R.R. 1959 of 2021

In the matter of: **Md. Mijanur Hossain**

..... Petitioner.

Mr. Mukteswar Maity

Ms. Manika Sarkar

....For the petitioner.

Mr. Debasish Roy, Ld. P.P.

Mr. Saryati Datta

.... For the State.

1. This instant revisional application has been filed by the petitioner for quashing of the proceeding being, First Information Report giving rise to Barasat Police Station Case No.336/2021 dated 11.06.2021 under Sections 341/ 325/ 326/ 506/ 307/34 of the Indian Penal Code now pending before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas (GR No.1742/2021).
2. The present opposite party no.2 is the brother of the present petitioner and they had a long standing dispute over a landed property. It is the case of the petitioner that on October 30, 2020 at about 6 p.m. the petitioner was assaulted by the opposite party no.2 herein. At that time, petitioner caused scalp hematoma on his left side and diagnosed and treated by doctors.
3. It is the further case of the petitioner that the uncle of the petitioner made a representation on May 7, 2021 before the Superintendent of Police, 24 Parganas (North), alleging physical

and mental torture upon the petitioner by the opposite party no.2 herein and his parents. The petitioner also by giving representation dated April 28, 2021, May 21, 2021 and May 22, 2021 brought to the notice of police officials regarding illegal activities of the opposite party no.2 herein regarding torture inflicted upon the petitioner. As a counter-blast to the said written complaint, the opposite party no.2 made a written complaint before the O.C., Barasat Police Station on 11.06.2021 under Sections 341/ 325/ 326/ 506/ 307/ 34 of the Indian Penal Code against the present petitioner and others. The allegation levelled in the said petition of complaint is absolutely false and frivolous and out of grudge against the present petitioner.

4. It is submitted by the learned counsel for the petitioner that the dispute is purely civil in nature and charge-sheet has been submitted, where the allegation of 307 was not established and hence, at the time of filing of charge-sheet, the said application was omitted.

5. It is further submitted that in the written complaint, no specific allegation was made that, who allegedly assaulted the opposite party no.2. That apart, the parents of the parties by way of declaration stated before the learned Magistrate, no such incident happened on 11.06.2021, as mentioned in the written complaint. Accordingly, he prays for quashing of the entire complaint.

6. Learned counsel representing the State submitted that prima facie there are ample materials against the present petitioner for which he must face the trial. That apart, the revisional application was filed challenging the written complaint but during the pendency of the same the investigation was completed and the charge-sheet has been submitted and hence, prima facie, materials available, which supports the case of the de facto complainant, which must be tested before the trial court.
7. Accordingly, prays for dismissal of this revisional application.
8. Heard the submission. The written complaint discloses that it was lodged by the opposite party no.2 before the Inspector-in-Charge of Barasat Police Station on June 11, 2021 alleging an incident that on June 10, 2021 at about 10:30 p.m, the present petitioner and one uncle namely, Jamir Ali and one aunt Marjina Bibi and cousin brother Safikul pressurized him to transfer the landed property in their favour and since the mother refused to accept such proposal, all of them, attacked the parents and a commotion took place. Further allegation was levelled against the present petitioner and other accused persons to assault the parents with iron road, shabol, Bamboo stick hasua, in order to kill them. He further sustained head injury

and however, as their mother somehow tried to obstruct such brutal hit she also sustained fatal injury and then the local people assembled and they were taken to Barasat Hospital.

9. From the Case Diary, it is seen that after completion of investigation, the charge-sheet has been submitted and statements of various witnesses were recorded which primarily supports the case of the de facto complainant. That apart, injury reports were also collected, which further shows scalp injury over the head of father of the parties. While submitting the charge-sheet, the allegation under section 307 of IPC was omitted and this Court fails to understand as to how despite having specific scalp injury, such charge was omitted.

10. It is settled law that inherent power can be exercised by High Court in order to prevent the abuse of the process of Court and to secure the ends of justice. While exercising such inherent power, this Court will not ascertain whether on the basis of allegation lodged before the authority an order of conviction will be passed or not but to see whether the allegations prima facie discloses commission of any such offences against such offences in terms of which charges are levelled and charge-sheet has been submitted against the accused persons.

11. Hence, on a close scrutiny of the entire facts and circumstances, the contents of the written complaint, which culminated into filing the charge-sheet after collecting certain materials, which prima facie, supports the case of the

petitioner and is backed by injury report this court is of the view that it is not a fit case where the power under section 482 crpoc can be exercised to quash of the entire proceeding at this stage, frustrating the parties filing of the complaint as there are material fact to show that there are long standing dispute between the parties, which exist on the basis of property dispute which has given rise of inimical relationship between the parties. Hence, the allegation should be tested in course of trial.

12. This Court therefore find no merit in this revisional application and accordingly this revisional application fails and dismissed.

13. This CRR NO.1959 of 2021` is hereby dismissed .

14. Urgent certified copy if applied be provided to the parties subject to fulfilling the required conditions in accordance with law.

(CHAITALI CHATTERJEE (DAS), J.)