Vacation Bench
November 4, 2026
Sl. No. 7
Court No.8
s.biswas

CRR 3050 of 2026

In Re: - An application under Section 482 of the Code of Criminal Procedure corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita,.

Biplab Kundu
Vs.
The State of West Bengal and another

Mr. Kamalesh Ch. Saha
Ms. Payel Mitra
Mr. Anjan Samaddar
.. for the petitioner

Mr. Gouranga Kr. Das, APP
Mr. Subrata Mukherjee
Mr. Ranjan Chakraborti
... for the State

1. The petitioner seeks quashing of a proceeding initiated primarily under Sections 74, 75 and 79 of the BNS, 2023. Learned counsel for the petitioner argues that the ingredients of the said Sections are not found in the complaint which was the genesis of the FIR.

2. Upon a perusal of the aforesaid provisions, it is found that Section 74 revolves around assault or use of criminal force to woman with intent to outrage her modesty whereas Section 75 deals with sexual harassment of several types, including physical contact and advances involving unwelcome explicit overtures as well as making sexually coloured remarks.

3. On the other hand, Section 79 is wide enough to incorporate words, gestures or acts of any type intended to insult the modesty of a woman.
4. From the complaint which gave rise to the present proceeding, the Court finds that sufficient ingredients of sexual harassment were revealed therein. The complainant alleged that she had faced sexual harassment and distasteful and uncivilized behaviour from the accused person, which put the complainant in absolute mental stress and she took some days to recover from the resultant trauma. Such alleged trauma also furnishes sufficient reason for the delay of about two weeks from the date of the incident in lodging the complaint.
5. In such view of the matter, it is for the petitioner to defend himself in the trial and the Court does not find any discrepancy in principle between the sections of the BNS clubbed in the case and the written complaint of the complainant.
6. In any event, it is well-settled that a complaint or the resultant FIR need not be an exhaustive encyclopedia and/or contain all the pleadings which are the subject matter of the trial and/or is even required to mention the particular provisions of law under which the offences have been alleged.
7. In such view of the matter, there is no scope or occasion to quash the proceeding.
8. Accordingly, CRR 3050 of 2026 is dismissed without any order as to costs.

9. However, it is made clear that none of the above observations shall influence the Trial Court in any manner while taking up the criminal case for adjudication on its own merits.

(Sabyasachi Bhattacharyya, J.)