

21.01.2026

Court No.34

Item.7

sg

CRR 3254 of 2022

In the matter of: **Sohiny Chakraborty**

...Petitioner.

Mr. Aniket Mitra

Ms. Urbi Roy

...for the petitioner.

Mr. Prasun Kr. Datta

Mr. Nirupam Dhali

...for the State.

1. This is an application filed on behalf of the present petitioner being the FIR named accused no.3 for quashing of charge sheet no. 05 of 2021 dated 31.01.2021 submitted in connection with proceedings relating to G.R. Case No. 68 of 2021 under Sections 448/341/323/354/114 of the Indian Penal Code that is case of the petitioner in a nut shell :

2. It is the case of the petitioner that the relations between between the opposite party no.2/defacto-complainant and the mother of the accused person is landlord and tenant . Over the same two civil suits are pending filed by the both the parties against each other and there is an interim order restraining the present opposite parties passed by the learned Civil Court on December 21, 2021 restraining the present opposite party no.2 from any kind of activities which affects from ingress and egress of the plaintiff in the suit premises.

3. No interim order was favored to the present opposite party no.2 in connection with suit filed by her. The instant application has been lodged only in order to harass the present petitioners. There is no iota of material against the present petitioner who is absolutely innocent and falsely implicated in this case.

4. It is submitted that the learned advocate for the petitioner was a student of medicine of the 3rd year and opposite party no. 2 prevented the free ingress and egress of the mother of the present petitioner in the shop and caused severe disturbance in day to day running of the business of the mother of the present petitioner in running the shop in the name and style of **Shanti Varieties Stores**. It is further submitted that the entire allegations are levelled in the FIR are against the father of the present petitioner. And no role is attributed against this petitioner and there is no reason to allow the proceeding to continue against her. Accordingly prays for quashing of the petition.

5. None appears to represent the opposite party no.2. Despite receiving notice.

6. Learned prosecution raises objection.

7. Heard the submission of both the learned advocate. At the outset, it can be seen from the Case Diary, the chargesheet has been submitted in this case. Admittedly a civil dispute is pending between landlord and tenant over the right to ingress and egress in the shop of the mother of the present petitioner.

8. It is also admitted fact that Civil Court has passed an interim order specifically restraining the opposite party no.2 from creating disturbance in the free ingress and egress of the said shop room.

9. On careful perusal of the written complaint no role is found to have been attributed so far the present petitioner is concerned excepting that the time of the incident she was standing as a mute spectator.

10. On careful perusal of the Case Diary also prima facie do not find any such material for which proceeding should be allowed against the present petitioner. In view of the parameters/ guidelines given in the ***State of Haryana Vs. Bhaganlal & Ors.*** reported in ***AIR 1992 SC 604*** regarding the scope of exercising the power under section 482 CrP.Cc to quash the F.I.R it can be found that in cases where the F.I.R do not disclose any cognizable offence and the evidence collected do not disclose the commission of any offence the F.I.R can be quashed .

11. It is a settled law laid down by the Hon'ble Supreme Court that the power of under Section 482 of the Code of Criminal Procedure are very wide and the very plenitude of the power requires great caution in its exercise At the same time when it is found that there is possibility of gross abuse of process of law and there is no sufficient materials to constitute the offence alleged or is frivolous and vexatious it is open to the High Court to quash the same.

12. In this case considering the facts and circumstances this Court is of the view also in absence of any material and in all probabilities and nature of dispute assailed is pure civil dispute in nature and in absence of any sufficient material to constitute an offence the same is liable to be quashed.

13. Hence the criminal revisional application stands allowed. The proceeding pending before the learned court is hereby quashed so far the present petitioner being FIR named accused no.3 is concerned.

14. Parties are to act on the server copy of this order downloaded from the official *website* of the Calcutta High Court.

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

[Chaitali Chatterjee (Das), J.]