

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 3943 of 2024

With

CRAN 1/2025

Mukul Chatterjee & Anr.

Versus

The State of West Bengal & Anr.

For the Petitioners : Mr. Malay Bhattacharya, Adv.
Mr. Subhrajyoti Ghosh, Adv.
Ms. Sudipa Sengupta, Adv.
Ms. Shefa Mondal, Adv.

For the Opposite Party No. 2 : Mr. Bhagbat Chaudhuri, Adv.
Ms. Mallika Manna, Adv.

For the State : Mr. Bibaswan Bhattacharya, Adv.
Mr. Raju Mondal, Adv.

Heard on : 22.12.2025

Judgment on : 09.01.2026

Ajay Kumar Gupta, J:

1. Petitioners being the accused persons filed this instant Criminal Revisional application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') corresponding to Section 482 of the Code of Criminal Procedure, 1973 (in short 'CrPC') seeking quashing of Charge Sheet being No. 167 of 2024 dated 30.07.2024 under Sections 420/468/469/471/34/120B of the Indian Penal Code, 1860 (in short 'IPC') filed in connection with proceeding being G.R. Case No. 494 of 2024 arising out of FIR being Bishnupur Police Station Case No. 111 of 2024 dated 06.04.2024 pending before the Learned Additional Chief Judicial Magistrate at Bishnupur, District – Bankura and all orders passed therein.

FACTS OF THE CASE:

2. The brief facts, leading to the filing of this Criminal Revisional application, are as follows: -
 - a. On 06.04.2024 at about 6:35 pm, one Debabrata Ghosh being the opposite party no. 2 herein, lodged a written complaint with the Bishnupur Police Station to the effect that **ALL THAT** piece and parcel of Danga land measuring about 0.0825 acres comprising R.S. Plot No. 14104 (L.R. Plot No. 7908), R.S. Khatian No. 1647, Mouza – Bishnupur Municipality, J.L. No. 101 within the jurisdiction of Bishnupur Police Station, District – Bankura was

entrusted upon his brother, namely, Satyabrata Ghosh as Power of Attorney Holder being empowered by Sri Shyama Prasad Nandi and Smt. Arati Nandi vide registered Power of Attorney bearing Deed No. 00200 for the year 2013 dated 10.05.2013.

- b.** The opposite party no. 2 purchased the said property from his brother by Deed of Sale being No. 01699 for the year 2014, dated 24.06.2014. Meanwhile, petitioner no. 1 allegedly claims himself to be the owner of the said property. He claims that he became the owner by way of a gift deed from his elder brother, the petitioner no. 2 herein, who was the erstwhile recorded owner of the land in the office of the BL & LRO. Thereafter, Petitioner no. 1 sold the said property to one Seema Sen, though all conveyances are based on false representations and forged one.
- c.** On the basis of the said written complaint lodged by the opposite party no. 2 herein, an FIR being Bishnupur Police Station Case No. 111 of 2024 dated 06.04.2024 under Sections 420/468/469/471/34/120B of the IPC was registered, and an investigation was initiated against the present petitioners and Seema Sen.
- d.** Upon completion of investigation, a charge sheet being No. 167 of 2024 dated 30.07.2024 under Sections 420/468/469/471/34/120B of the IPC has been submitted only against the

petitioners herein, exonerating Seema Sen. The case of the petitioners is that the petitioner no. 2 became the owner of the land by way of inheritance, as his family has occupied the land since generations.

- e.** Upon local inspection conducted by the officers of the respective BL & LRO, the name of the petitioner no. 2, elder brother of petitioner no. 1 herein, was recorded in the L.R. & R.O.R. in respect of the subject property on the basis of his possession and occupation over the said property over a long period of time. Subsequently, petitioner no. 2, being the recorded owner of the subject property, transferred his right of ownership in favour of the petitioner no. 1 herein by virtue of the Gift Deed being No. 02186 for the year 2014, registered in Book No. I, CD Volume No. 6, Pages from 1988 to 1998 before the A.D.S.R. Bishnupur, District – Bankura on 18.07.2014
- f.** The name of petitioner no. 1 was accordingly mutated in the Record of Rights as Raiyat in respect of the subject property. Thereafter, the petitioner no. 1, being the sole owner of the subject property, absolutely seized and possessed of the same, transferred his right of ownership in favour of one Seema Sen by virtue of Sale Deed for the year 2014 registered before the A.D.S.R. Bishnupur, District – Bankura.

- g.** The opposite party no. 2, claiming himself to be the owner of the subject property, filed an appeal under Section 54 of the West Bengal Land Reforms Act, 1955, before the Appellate Authority, Bankura, being R.A. No. 41 of 2019. The same was decided in favour of the opposite party no. 2.
- h.** Being aggrieved with the said order, the petitioners herein challenged the said impugned order passed in R.A. No. 41 of 2019 by way of Original Application being O.A. No. 4122 of 2022 before the West Bengal Land Reforms and Tenancy Tribunal, which is pending adjudication.
- i.** During the pendency of the said case, the opposite party no. 2 falsely and illegally lodged a criminal case against the present petitioners, only to harass and oust them from the land in question by hook and crook. Hence, this Criminal Revisional application.

ARGUMENTS ON BEHALF OF THE PETITIONERS:

- 3.** Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case only to harass them for illegal gain.
- 4.** It was further submitted that there was a civil case pending before the Learned Civil Judge (Jr. Division), Bishnupur, Bankura, being Title Suit No. 97 of 2004 and the same was decreed in favour of the

plaintiffs vide Judgment and Order dated 16.04.2008, whereby the entire suit property was declared as 'Debottar' property.

5. During investigation, the petitioners received notice under Section 41A of the Cr.P.C. in the aforesaid proceeding, and upon receiving such notice, the petitioners applied for anticipatory bail, being Criminal Misc. Application No. 307 of 2024 before the Learned District and Sessions Judge-in-Charge, Bankura and vide order dated 29.04.2024, the Learned Judge allowed the petitioners' bail application observing that the dispute between the parties is purely civil in nature. Therefore, if the proceeding is allowed to continue then it would be an abuse of process of law and for securing the ends of justice, the same should be quashed since no ingredients were either disclosed in the FIR or during investigation for offence punishable under Sections 420/468/469/471/34/120B of the IPC. All the like records of rights, registered Gift deed and sale deed are genuine; as such the question of forgery or cheating does not arise at all against the present petitioners. Furthermore, civil cases are pending before the competent court of law. Thus, the criminal case against the petitioners is false, fabricated and frivolous, and is therefore liable to be quashed.

ARGUMENTS ON BEHALF OF THE OPPOSITE PARTY NO. 2:

6. Learned counsel appearing on behalf of the opposite party no. 2 vigorously opposed the prayer of the learned counsel appearing on behalf of the petitioners for quashing of the proceeding. The petitioner nos. 1 and 2, being brothers related by blood, with connivance, conspiracy and in a fraudulent manner, transferred the property involved in the present case by way of gift deed in favour of the petitioner no. 1 by the petitioner no. 2. Thereafter, the petitioner no. 1 sold the said property to Seema Sen, with the help of forged and manipulated documents, as the petitioner no. 2 was never the owner of the land. He gifted the land to his brother without having ownership. Therefore, they have committed criminal offence of forgery.
7. It was further submitted that one civil case is pending before the West Bengal Land Reforms and Tenancy Tribunal, and another Title Suit is disposed of vide Judgment and Order dated 16.04.2008. However, the case of the petitioners is different. They are involved in the commission of offence punishable under Sections 420/468/469/471/34/120B of the IPC. Therefore, their case should be dismissed.

SUBMISSION ON BEHALF OF THE STATE:

8. Learned counsel appearing on behalf of the State submitted that the present petitioners, without having ownership transferred the land from one person to another. Therefore, they should be faced with a trial before the trial court to uncover the truth whether they are involved in the criminal offence alleged or not. At this stage, the High Court cannot embark upon to roving the trial. Therefore, this application may be dismissed. The learned counsel for the State furnished a detailed report as per the order passed by this Court as under: -

- “1) As per scanned copy of mother LR R.O.R. Khatian No. 15530 (finally published LR. R.O.R.) of Mouza Bishnupur Municipality, J.L. No. 101 is recorded in the name of Biswanath Karmakar s/o-Pramathanath Karmakar.*
- 2) Computerized LR Plot No. 7908, corresponding to RS Plot No. 14104 of Mouza Bishnupur Municipality, J.L. No. 101 is enclosed.*
- 3) Details of R.O.R. corrections and updation pertaining to L.R. Plot No. 7908 corresponding to R.S. Plot No. 14104 from the year 2013 to 2025 which are reflected in the audit trail is enclosed.*
- 4) As per audit trail available in Computerized Land Records it is seen that two mutation cases were executed i.e. MN/2015/0117/894 & MN/2015/0117/895 involving L.R. Khatian No. 15530 and plot No. 7908. As per order sheets of these two mutation cases recorded raiyat of this transferor khatian i.e. Khatian No. 15530 was Mukul Chatterjee not Mrinal*

Chatterjee and transferee khatians Nos. were 22670 and 22671 respectively. From the audit trail of corrections and updations effected in this plot and which is accessible by the undersigned it is seen that no correction or updation has been done in L.R. Plot No. 7908 corresponding to R.S. PLOT No. 14104 in the name of Mrinal Chatterjee from the year 2013 to 2025.”

FINDINGS AND ANALYSIS OF THIS COURT:

9. Having heard the arguments and submissions made by the learned counsels appearing on behalf of the respective parties and upon perusal of the documents and report as aforesaid, this Court finds that the dispute between the parties is wholly regarding the property which is involved in the present case particularly the Plot No. 7908, and upon careful perusal of the aforesaid report and other documents, this Court does not find any specific and particular allegation of forging of any documents for transferring the property from one person to another.
10. It is not disputed by the BL & LRO that the certified copy of the L.R. & ROR showing the name of petitioner no.2 recorded in LR & ROR is not genuine and a forged one, because the petitioners have filed the certified copy of the same showing that the names of the petitioners are recorded therein. Subsequently, the ROR was challenged by the opposite party no. 2 and, ultimately, after hearing the parties, the BL & LRO decided the case in favour of the opposite party no. 2 and

deleted the names of the petitioners from the LR and ROR. The said order is under challenge before the West Bengal Land Reforms and Tenancy Tribunal, pending consideration.

- 11.** The petitioners herein themselves appeared before the Registering Authority for registration of the gift deed and sale deed. Those deeds are registered deeds, and the parties involved in the said deeds are the Petitioners and Ms. Seema Sen. It is not the case of the prosecution that those deeds are forged and not genuine.
- 12.** In such a situation, this Court does not find any ingredients of the offences punishable under Sections 420/468/ 469/471/34/120B of the IPC. In addition, there is a case pending before the West Bengal Land Reforms and Tenancy Tribunal and a civil case was pending before the Learned Civil Judge (Jr. Division), Bishnupur, Bankura being Title Suit No. 97 of 2004 and the same was decreed in favour of the plaintiffs therein vide Judgment and Order dated 16.04.2008 whereby the entire suit property was declared as 'Debottar' property.
- 13.** As to how the de facto complainant/opposite party no. 2 or petitioners became the owner of Debottar property, or their actual physical possession over the subject property, is a question to be decided by the competent Civil Court. The aforesaid facts clearly indicate that the present case is purely civil in nature. In such backdrop, the proceeding cannot be allowed to continue against the

present petitioners; otherwise, it would be a gross abuse of process of law and thus, the instant Criminal Revisional application is required to be allowed.

- 14.** Accordingly, **CRR No. 3943 of 2024** is **allowed. CRAN 1 of 2025** and all connected applications, if any, are also, thus, disposed of.
- 15.** The Charge Sheet being No. 167 of 2024 dated 30.07.2024 under Sections 420/468/469/471/34/120B of the IPC filed in connection with proceeding being G.R. Case No. 494 of 2024 arising out of FIR being Bishnupur Police Station Case No. 111 of 2024 dated 06.04.2024 pending before the Learned Additional Chief Judicial Magistrate at Bishnupur, District – Bankura is hereby quashed insofar as the petitioners are concerned and all orders passed therein are set aside.
- 16.** Case diary, if any, is to be returned to the learned counsel appearing on behalf of the State.
- 17.** Let a copy of this Judgment be sent to the Learned Trial Court for information.
- 18.** Interim order, if any, stands vacated.
- 19.** All parties shall act on the basis of a server copy of this judgment duly downloaded from the official website of this Court.

- 20.** Urgent photostat certified copy of this Judgment, 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.)