

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

CRR 4466 of 2024

CRAN 1 of 2025

Uma Sengupta & Ors

v/s.

The State of West Bengal & Anr.

For the Petitioners:	Sr. Adv. Ayan Banerjee, Adv. Sreeparna Das, Adv. Ritu Das, Adv. Suman Majumdar,
For the Opposite Party No. 2:	Adv. Dipta Dipak Banerjee
For the State:	Adv. Arijit Ganguly, Adv. Madhumita Basak,
Heard on:	07.04.2026
Date:	27.04.2026

SUVRA GHOSH, J. :-

1) The first and second petitioners are the parents of the third petitioner.

The third petitioner was married to the private opposite party on 13th December, 2021 according to the Hindu rights and customs. On being threatened by the private opposite party that she would lodge false complaint against the petitioners, the third petitioner lodged a complaint before the Officer-in-Charge, Survey Park Police Station on 16th January, 2023 expressing his apprehension of being falsely implicated in cases at the behest of the second opposite party. As a counterblast, the second

opposite party lodged complaint against the petitioners on 20th January, 2024 alleging commission of offence punishable under Sections 498A/406/34 of the Indian Penal Code. The petitioners were granted bail in connection with the said complaint on 25th January, 2024. Charge sheet was submitted upon completion of investigation on 28th February, 2024. The petitioners have sought quashing of the said charge sheet/proceedings of ACGR No. 336 of 2024 arising out of Survey Park Police Station Case No. 18 of 2024 dated 28th January, 2024 pending before the learned Judicial Magistrate, 7th Court, Alipore.

- 2) Learned counsel for the petitioners has submitted that the offences as alleged, have not been prima facie made out against the petitioners. The charge sheet has been submitted without compliance of the mandate laid down by the Hon'ble Supreme Court in the authority in Sharif Ahmed and Another v/s. State of Uttar Pradesh and Another reported in (2024) 6 SCR 86. The opinion formed by the Investigating Officer lacks legal premise. The learned Magistrate has taken cognizance of the charge sheet mechanically without applying his mind. Allowing the proceeding to continue shall amount to abuse of the process of the Court. Learned counsel has placed reliance on the authority in Sharif Ahmed (supra) and an interim order passed by the Hon'ble Supreme Court on 7th April, 2025 in Special Leave to Appeal (CrL) No. 3620 of 2025 in support of his contention.
- 3) Opposing the contention of the petitioners, learned counsel for the State has produced the case diary and has referred to the statement of a witness recorded under Section 161 of the Code of Criminal Procedure.

- 4) Learned counsel for the private opposite party has opposed the contention of the petitioners and has submitted that the proceeding cannot be quashed solely on the ground of non disclosure of all the documents required under Section 173(2) of the Code of Criminal Procedure. Even if all the documents are not filed, submission of the charge sheet itself is not vitiated in law. The merits of the case need to be gone into.
- 5) Learned counsel has placed reliance on the authorities in Sharif Ahmed (supra) and Dablu Kujur v/s. The State of Jharkhand reported in (2024) 3 SCR 614 in support of his contention.
- 6) The private respondent lodged complaint against the petitioners alleging offence under Sections 498A/406/34 of the Indian Penal Code. Investigation of the offence culminated in charge sheet under the said provisions of law. The charge sheet reiterates the contents of the written complaint alongwith collection of some exhibits, recording statements under Section 161 of the Code of Criminal Procedure, issuance of notice under Section 41A of the Code and recovering the stridhan article of the private opposite party.
- 7) In the authority in Sharif Ahmed (supra), the Hon'ble Supreme Court has observed that the final report should show with sufficient particularity and clarity the contravention of the law which is alleged. Ascertainment of facts and circumstances, discovery and arrest, collection of evidence including examination of various persons, search of places and seizure, and formation of an opinion on whether an offence is made out should find place in the charge sheet. When the report complies with the said requirements, the Court concerned should apply its mind whether or not

to take cognizance and also proceed by issuing summons to the accused. The Hon'ble Supreme Court has in no uncertain terms spelt out that the investigating officer must make clear and complete entries of all columns in the charge sheet so that the Court can clearly understand which crime has been committed by which accused and what is the material evidence available on the file. The role played by the accused in the crime should be separately and clearly mentioned in the charge sheet, for each of the accused persons.

- 8) The charge sheet submitted by the investigating officer is general and omnibus and does not comply with the mandate laid down by the Hon'ble Supreme Court. Also, cognizance of the charge sheet has been taken by the learned Judicial Magistrate mechanically and the order taking such cognizance does not reflect application of judicial mind by the learned Magistrate.
- 9) True, the details of the offence and investigation are not supposed to be a comprehensive thesis of the prosecution case. At the same time, it must reflect a thorough investigation into the alleged offence. It is on the basis of this record that the Court can take effective cognizance of the offence and proceed to issue process.
- 10) As laid down by the Hon'ble Supreme Court in the authority in the State of Haryana and Others v/s. Ch. Bhajan Lal and Others reported in 1992 SCC (Cri) 426, inherent power under Section 482 of the Code of Criminal Procedure can be exercised either to prevent abuse of the process of the Court or otherwise to secure the ends of justice where the uncontroverted allegations made in the FIR or complaint and the evidence collected in

support of the same do not disclose the commission of any offence and make out a case against the accused.

- 11) In the present case, the stridhan articles of the private opposite party have been admittedly recovered from her matrimonial home and given to her. The investigation comprises statement of witnesses who are either related to the petitioners or the private opposite party. No independent witness has been examined. The allegations made in the FIR are not corroborated in course of investigation. The evidence collected during investigation does not disclose commission of the offence as alleged. The complaint lodged by the opposite party is preceded by a complaint lodged by the third petitioner against her apprehending false implication at the behest of the private opposite party.
- 12) In view of the fact that the evidence collected during investigation does not disclose the offence as alleged and the charge sheet is silent with regard to the role played by each of the accused-petitioners in the alleged offence, continuation of the proceedings against the petitioners shall amount to abuse of the process of the Court. The petitioners should not be made to suffer the ordeal of trial on the basis of a charge sheet submitted without compliance of the mandate laid down by the Hon'ble Supreme Court, mechanical cognizance taken thereof and investigation which does not disclose any offence.
- 13) Accordingly, the revisional application being CRR 4466 of 2024 is allowed.
- 14) The connected application being CRAN 1 of 2025 is disposed of.

- 15) The proceedings of ACGR No. 336 of 2024 including the charge sheet submitted therein, pending before the learned Judicial Magistrate, 7th Court, Alipore, South (24) Parganas be quashed.
- 16) The petitioners be released at once and discharged from their bail bonds.
- 17) There shall however be no order as to costs.
- 18) Case diary be returned.
- 19) Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)