

07.01.2026
Sl. No.438
AMR
Ct.No.29

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CRR 4669 of 2025

**Munshi Towrat Hossain
-vs.-
The State of West Bengal**

Mr. Dipankar Aditya
Ms. Tina Biswas
Ms. Aishwarya Priya Raha

...for the Petitioner

Mr. Saibal Bapuli, Ld. APP
Ms. Suveni Banerjee

...for the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner has assailed the impugned proceeding being G.R. Case No. 3146 of 2021 presently pending before the learned Judicial Magistrate, 1st Court, Diamond Harbour, South 24-Parganas.

The prosecution case reveals that on 15.11.2021, the defacto complainant noticed a huge gathering of unwanted people, who were moving aimlessly without wearing masks and without having any emergency work. They also did not maintain social distancing norms. Though they were cautioned, but the accused persons including the petitioner herein did not pay any heed and they thereby were increasing the risk of epidemic spread among normal and unaffected persons.

After completion of investigation, police has submitted charge sheet against the petitioner under Section 188 of IPC read with Section 51 of the National Disaster Management Act, 2005.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that while the investigation Officer submitted charge sheet had failed to consider the Government circular vide order no. 754/XII/ISS/2M-22/2020 dated 29.10.2021, wherein it has been categorically stated that the restriction relating to movement of people and vehicles were in between 11 P.M. and 5 A.M. as continued at that relevant point of time.

It has further been submitted that on that particular day, the petitioner had gone to the office of SDO to collect the admit card of a competitive examination and he had no intention to disobey the law so that criminality can attract in the instant proceeding.

The ingredients of the offence under Section 188 of the IPC is clearly absent in the instant case and as such, he prayed for quashing of the impugned proceeding.

Learned counsel appearing on behalf of the State placed the case diary and leaves the prayer of the petitioner to the discretion of the Court.

I have gone through the materials collected during investigation and from the materials; I do not find that such materials constitutes offence either under Section 188 of the

IPC or under Section 51 of the National Disaster Management Act, 2005.

Several High Courts and State Governments have moved to drop or quash cases related to minor, non-serious violations of COVID-19 norms, such as not wearing masks or for not maintaining social distancing, as the situation normalized. Due to Pandemic end and the overall change in public health circumstances and also the need to reduce unnecessary burden on the judicial system, I do not find any necessity to continue with the instant criminal proceeding.

Moreover, in view of the materials so far collected during investigation, there is hardly any chance of conviction of the present petitioner at the end of trial.

Furthermore, it is submitted to me that the petitioner, being a bright student, has already joined in a Government service, but his service has not yet been confirmed due to pendency of the instant proceeding.

Having considered the materials available in the case record as well as in the case diary and in the aforesaid circumstances I find that continuance of the impugned proceeding any further will be mere abuse of the process of the Court.

In such circumstances, CRR 4669 of 2025 is **allowed**. The impugned proceeding being G.R. Case No. 3146 of 2021 presently pending before learned Judicial Magistrate, 1st Court,

Diamond Harbour, South 24-Parganas is hereby quashed, quo
the petitioner, namely, **Munshi Towrat Hossain**.

Parties to act on a server copy of this order duly
collected from the official website of the Hon'ble High Court,
Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)