IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 4378 of 2024

Bikramjit Das

Vs.

The State of West Bengal & Anr.

For the Petitioner	:	Mr. Amarnath Sen, Mr. Malay Dhar, Mr. Biswajit Sarkar.
For the State	:	Mr. Somnath Adhikary, Ms. Madhurai Sinha.
Judgment reserved on	:	15.09.2026
Judgment delivered on	:	01.10.2026

Shampa Dutt (Paul), J.:

1. The revisional application has been preferred praying for quashing of the proceedings in J.J.B. No. 101 of 2023 arising out of Bansdroni P.S. Case No. 450 dated 10.11.2023 under Sections 341/323/506/34 of the Indian Penal Code, pending before the learned Principal Magistrate Juvenile Justice Board, Kolkata.

2. The de facto complainant in his written complaint dated 10.11.2023 has stated that the accuseds CCL including the petitioner, Bikramjit

Das came to his premises and abused him. It was alleged they also called the complainant's son Subranil Brahma and they suddenly became furious and had beaten the complainant and his minor son in front of his residence.

3. However it appears that in the injury report, the complainant in the history of assault has stated that he has been assaulted by Arian Mishra and Aditya Sahu **but did not name the petitioner Bikramjit Das.** The investigating officer did not record any statement of the de facto complainant. In the written complaint the de facto complainant stated that his minor son Subranil was also beaten up but the said minor son in his statement stated that his father was assaulted and he did not state that he was assaulted. Furthermore in the written complaint the de facto complainant stated that his family members came to the spot and rescued himself and his minor son but the Investigating Officer neither took any statement from the de facto complainant nor from any other family members except the said minor son, Subranil.

4. It is stated by the petitioner that in fact the petitioner, CCL Bikramjit Das was assaulted by the peer group of the complainant's son for which he was under treatment at M.R. Bangur Hospital, Kolkata from 11:08 a.m. on the same date i.e. on 10.11.2023, whereas the alleged injury report of the complainant is at 4:55 pm on 10.11.2023, (the alleged date of incident wherein the petitioner was implicated).

5. It is thus stated that the written complaint in the instant case was an afterthought and was filed as a counter blast to the complaint

supposed to be filed against the complainant's son and his associates. The petitioner states that he initially did not want to lodge any complaint against his friends but subsequently such complaint was made on 18.11.2023.

6. The State has placed the case diary wherein it appears that **the petitioner was a minor and thus juvenile at the time of incident.** The allegation as noted by the Child Welfare Police Officer is that the petitioner herein is one of the abettors by the incident. The injured in the present case as it appears from the injury report at page 43 of the case diary notes that he was assaulted by Arian Mishra and Aditya Sahu (history of assault). There appears to be some abrasion on the back of the head.

7. **It appears that though the petitioner has been named in the written complaint, his name does not transpire in the history of assault as stated before the doctor.** The reason why such altercation took place as stated in the written complaint is also not apparent from the case diary, but appears to be an altercation between two groups.

8. Considering the nature of evidence as noted in respect of the petitioner herein who admittedly did not cause any assault upon the victim and the fact that the petitioner was a minor at the time of incident wherein prima facie it appears that though he was part of the group **but his participation is doubtful.**

9. In ***State of Haryana and Others v. Ch. Bhajan Lal and Others, 1992 Supp. (1) 335,*** the Supreme Court held:-

*"**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) 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.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused

and with a view to spite him due to private and personal grudge."

10. The present case is thus clearly covered by the guidelines in ***State of Haryana vs Bhajanlal (Supra) (Para 102)***.

11. There are thus no materials to show the presence of the ingredients required to constitute the offences alleged against the petitioner herein.

12. CRR 4378 of 2024 is thus allowed.

13. The proceedings in J.J.B. No. 101 of 2023 arising out of Bansdroni P.S. Case No. 450 dated 10.11.2023 under Sections 341/323/506/34 of the Indian Penal Code, pending before the learned Principal Magistrate Juvenile Justice Board, Kolkata, **is hereby quashed in respect of the petitioner namely Bikramjit Das.**

14. All connected applications, if any, stand disposed of.

15. Interim order, if any, stands vacated.

16. Copy of this judgment be sent to the learned Trial Court for necessary compliance.

17. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)