

19.02.2026

Sl. no. 74

Ct. No. 42

P.M.

CRR 4780 OF 2025
Sri Suvankar Mondal.

- Vs -

The State of West Bengal & Anr.

Mr. Sanjib Bandyopadhyay,
Mr. Pritam Das,
Mr. Indradip Chakraborty
... for the petitioner.
Mr. Somnath Adhikary
... for the opposite party No. 2.
Mr. Debasish Roy, Ld. PP
Ms. Sreyashee Biswas,
Ms. Nandini Chatterjee
... for the State

1. Present petition has been filed for quashing of proceedings including the Charge sheet NO. 564 of 2024 in Beledanga Police Station Case 476 of 2024 dated 26th June, 2024 under Section 498A of Indian Penal Code.
2. The petitioner is brother-in-law of the opposite party No. 2/wife. The opposite party No. 2/defacto complainant lodged a complaint with the police alleging that she had been subjected to mental and physical cruelty by her in-laws and on 19th June, 2024 and she was assaulted badly and was rescued by the neighbours who was taken to the hospital.

3. The complaint was lodged on 26th June, 2024.
After investigation the charge sheet was filed.
The petitioner has submitted that the husband of the defacto complainant was an army personnel and she used to remain with her husband and used to visit matrimonial homes for short intervals during the period of leave of her husband.
4. Petitioner submits that he was a contractual junior engineer posted at Barasat Sub-Division, PHE Department. It has been submitted that on 19th June, 2024 i.e. alleged date of incident the petitioner was present in his office and in this regard the petitioner has produced the attendance sheet for the period from 21st May, 2024 to 20th June, 2024 (annexure P/1). In this regard the petitioner has placed other document as annexure P/2. Further the petitioner has submitted that he has been selected in Junior Engineer (Civil/Mechanical/Electrical) Recruitment, 2022. However, he has not been able to join for the reason of pendency of this case.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been implicated falsely by the opposite party No. 2.
6. Learned counsel submits that the allegations against the petitioner leveled in the FIR are vague, general and omnibus in nature. It has been submitted that there are no specific date of incident alleging the mental and physical cruelty against the petitioner.
7. Learned counsel, therefore, submits that the present charge sheet No. 564 of 2024 dated 31.08.2024 be quashed against the petitioner.
8. Learned counsel for the State upon filing of the petition the State was directed to verify the genuineness and authenticity of the documents being filed by the petitioner.
9. The State has filed the compliance report regarding verification of documents. The Inspector-in-Charge, Beledanga P.S. in its report dated 5th February, 2026 has submitted that the documents regarding the selection of the petitioner in the examination of Junior Engineer (Civil/Mechanical/Electrical) Recruitment, 2022 are found to be genuine.

10. The Inspector-in-Charge, Beledanga P.S., Murshidabad vide its report dated 17th December, 2025 has submitted that as per verification report received from Assistant Engineer, Barasat Sub-Division. PHE Department the petitioner was found working under Barasat Sub-Division on 1st December, 2023 including the period from 21st May, 2024 to 20th June, 2024. In the report the attendance sheet being signed by Assistant Engineer Barasat Sub Division and absentee report on 20th June, 2024 have also been found to be genuine.

11. Learned counsel for the state has also filed the translated copy of the FIR and other statements recorded under Section 161 Cr.P.C.

12. Ms. Biswas, learned counsel for the State has submitted that though the documents filed by the petitioner are found to be genuine but plea taken by the petitioner cannot be entertained at this stage and is a matter of trial.

13. Learned counsel for the State has further submitted that besides the complainant other witnesses examined by the Investigating Officer during the course of investigation have already been indicated the role of the petitioner. Learned

counsel, therefore, has opposed the quashing petition.

14. Learned counsel for the opposite party No. 2 has also opposed the quashing petition on the ground that the plea of alibi as taken by the petitioner cannot be entertained at this stage and, therefore, the quashing petition is liable to be dismissed.

15. Learned counsel has also submitted that the translated copy being filed by the petitioner is not correct as in the complaint the petitioner has stated that there was a demand of ten lakhs rupees whereas in the translated copy it has been stated to be ten thousand. Learned counsel, therefore, submits that petition is liable to be dismissed.

16. Learned counsel for the petitioner submits that discrepancy regarding the amount might have occurred on account of the poor handwriting in the complaint.

17. Learned counsel for the State has submitted that on 19th June, 2024 the petitioner was not present at the spot and he was present in his office which was around 250 km away from the alleged scene of crime.

18. Learned counsel submits that petitioner is a innocent and has been implicated falsely. Learned counsel submits that career of the petitioner would be ruined if he is not able to join the Government service on account of the present false case.

19. Section 528 of the BNSS confers power of High Court to pass any order to prevent the abuse of any process of court or otherwise to secure the ends of justice. The power under Section 528 BNSS are the inherent power which are required to be exercised to “abuse of process of law” or “to secure the ends of justice”. That the power conferred under Section 528 BNSS are not unlimited and has to be exercised with due circumspection.

20. However, if the court finds that the proceedings may result in the abuse of the process of the court then it becomes mandatory to exercise such power in order to prevent the abuse of process of law or to secure the ends of the justice.

21. The translated copy of the FIR as filed by the State besides other allegations states that when the defacto complainant informed her father-in-

law about the illicit relationship of her husband with another women, her mother-in-law and brother-in-law i.e. present petitioner, they did not pay any heed and they abused her in filthy languages as well tortured her and made obscene comments about household work to create pressure on her. The defacto complainant alleged that she was physically and mentally tortured by the accused persons in this manner. The complainant alleged that she tolerated and tried to continue the household. Allegedly husband would beat her every night and threaten to kill her if she did not leave the house. While this was going on, on 19th June, 2024 at about 7 p.m. her husband without any reason shouted and abused her in bad languages and called her by name and when she ran to rescue in fear her husband grabbed her hair and kicked her 4-5 times on her lower abdomen and when she screamed and fell to the ground, the petitioner along with his parents came running to the next room and threatened to kill her by having husband and the present petitioner wrapped her saree around her neck and pull it tight from both sides, while her in-laws held down her hands

and legs. The allegation against the petitioner was that he wrapped the sarees around the neck of the complainant. The petitioner stated that she was in a near to death condition, however she was rescued by her sister-in-law and the neighbours.

22. In her supplementary statement also the defacto complainant affirmed the allegations of physical and mental torture of allegation against her husband by assaulting her physically.

23. In the statement of other witnesses namely Narayan Mondal, Sufal Mondal, Rahul Sk. and Atul Mandal, the name of the present petitioner has appeared.

24. There is no doubt that there are instances of false allegations against the members of the family of the husband at the instance of the wife. The Constitutional Court have time and again cautioned that such type of harassment should not be allowed to be continued.

25. Learned counsel for the petitioner has placed reliance upon **Daralakshmi Narayana Vs State of Telengana** AIR 2025 Supreme Court 173 and **Belide Swagat Vs. State of Telengana** AIR 2026 Supreme Court 225.

26. The Court has gone through the judgement.

There is no doubt in the minds of this court that if the allegations are general or omnibus in nature the proceedings should not be allowed to be continued against the petitioner.

27. However in the present case even if the earlier allegation of the defacto complainant are taken as general and omnibus, there is specific allegation against the petitioner in respect to the incident dated 19th June, 2024. The attendance sheet and absentee report though found to be genuine but this plea which has to be tested during the trial. The plea of alibi which has been taken by the petitioner at this stage cannot be entertained as it is a matter of trial and giving any opinion on this issue at this stage will prejudice the case of the prosecution.

28. It is also pertinent to mention here that this is not a biometric evidence which might have carried more weight. The plea of the petitioner that there is distance of around 250 km from the place of occurrence to the place where the petitioner was posted is also matter of trial. Hence the court considers that this court cannot

exercise the power of quashing of the charge sheet qua the petitioner at this stage.

29. However, as far the selection of the petitioner in the Public Service Commission Examination is concerned. The Court considers that since it is a case not involving moral turpitude and trial may take some time, the department if it's rule permits may consider to permit the petitioner to join subject to the outcome of the present case. However, the department may take objective decision independently without being influenced by any observation made by this Court.

30. The Court has made such observations on a specific statement made by the learned counsel for the petitioner at bar that at the time of filing of the verification form by the petitioner, this case was not registered.

31. This petition stands disposed of.

32. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)