IN THE HIGH COURT AT CALCUTTA

CRIMINAL REVISIONAL JURISDICTION

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS).

CRR NO.4510 of 2022

ANANNYA @ ANANNA SEN
VS.
STATE OF WEST BENGAL & ANR.

WITH

CRR NO.1312 of 2025

SAYAN DEY & ANR.
VS.
THE STATE OF WEST BENGAL & ANR.

For the Petitioners in CRR 1312 of 2025 and for the opposite party no.2 in CRR 4510 of 2022	**:**	**Mr. Bibhashan Bhattacharya, Adv., Ms. Payel Shome, Adv., Mr. P. Roy, Adv.**
For the State	**:**	**Mr. Kallol Mondal, learned Public Prosecutor, Mr. Aditya Tiwari, learned Junior Govt. Adv., Ms. Namrata Chatterjee, Adv.**
Last heard on	**:**	**17.11.2026**
Judgement on	**:**	**17.11.2026**
Uploaded on	**:**	**20.11.2026**

CHAITALI CHATTERJEE (DAS), J. :-

Re : CRR 4510 of 2022

1. This revisional application was filed by the petitioner against Order No.17 dated March 05, 2019 where charge was framed only under Section 376 IPC of

the Indian Penal Code. The revisional application is pending since 2022 and despite repeated attempts made and the matter was called, none appeared to represent the present petitioner. Another revisional application being CRR 1312 of 2025 was heard analogously and the present opposite party is the petitioner in that revisional application. In view of such circumstances, this Court does not find any reason to keep this revisional application pending and hence, **CRR 4510 of 2022 stands dismissed for default**.

Re : CRR 1312 of 2025

2. The instant revisional application has been filed for quashing of the proceeding being Sessions Case No.20 of 2025 arising out of Kalyani Police Station Case No. 986 of 2024 dated December 02, 2024 under Sections 232(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to Sections 195A/34 of the Indian Penal Code. The petitioner no.2 is the father of the petitioner no.1 and the opposite party no.2 lodged a complaint before Kalyani Police Station against them alleging that she stayed with the present petitioner no.1 for a period of two and a half years and they had a physical relationship with a promise to marry. Later on, he left her and under compelling circumstances, the present opposite party had to lodge a complaint on the basis of which Kalyani Police Station Case No.717 of 2015 dated 22.11.2015 was initiated. The charge framed in connection with that case was under Section 376 of the Indian Penal Code and assailing such order since the other charges were dropped one revisional application was filed being CRR 4510 of

2022. Subsequently, she did not turn up at any point of time and vide an order by this Court, the said revisional has been dismissed for default.

3. The opposite party no.2 lodged the instant complaint in connection of which this revisional application has been filed alleging that she was threatened by the present petitioners to withdraw her previous written complaint otherwise, she will face dire consequences. Accordingly, the case was registered and on completion of investigation submitted the charge sheet fixing the next date for framing of charge. During the pendency of this revisional application, the further proceeding in that case was stalled.

4. It is the contention of the learned advocate representing the petitioners that admittedly the present petitioner no.1 had a romantic relationship with the opposite party no.2 and they resided together for a pretty long time and had a consensual physical relationship between them during that period of time. The allegation of false promise to marry was an out and out a concocted story made out in the written complaint. More so the opposite party no.2 was a major lady, who having full knowledge of the consequences, voluntarily lived with the present petitioner no.1. So far as the petitioner no.2 is concerned, not an iota of materials could be found in the written complaint as well as in the charge sheet and despite that, both the petitioners have been arrayed as accused for commission of offence under Section 232(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

5. In course of hearing, the submission made by the learned advocate representing the petitioners that the present opposite party no.2 adduced

evidence in respect of the complaint lodged by her where the charge was framed under Section 376 of the Indian Penal Code, on November 20, 2019 and she categorically mentioned that the complaint was lodged against the present petitioner out of a misunderstanding with him. She clearly stated before the court on oath since the accused refused to marry her, she lodged the complaint against him.

6. In the present revisional application, none appears to represent the opposite party no.2.

7. The Learned Prosecution submits the Case Diary before this Court and in terms of the present status report the said Kalyani Police Station Case No.594 of 2016 dated 27-09-2016 started and the case has been transferred to the Court of the learned Additional Chief Judicial Magistrate, 2nd Court, Kalyani, and is pending for trial and appearance of the accused persons. It is further contended by the Learned Prosecution that the opposite party lodged a criminal complaint being Kalyani P.S case no 594 of 2016 dated 27.9.2016 u/s 195A of IPC against the petitioners and one Soumistha Dey alleging creating pressure upon her to withdraw the complaint and physical assault. The I.O submitted the Chargesheet on 31.10.2016 u/s 195(A)/34IPC .A discharge application was filed by the accused petitioners which was rejected followed by an order of dismissal due to non-prosecution by the High Court .In the said case the charge was framed and the opposite party deposed that she has no grievances .Hence there was a direct impact for which she had to depose in such manner. Accordingly prays for dismissal of this revisional application.

8. Having heard both the learned counsels and after going through the materials on record, the admitted fact appears that both the parties are major and they lived together for a considerable period of time in a rented accommodation. The complaint was lodged by the opposite party no.2 against the present petitioner no.1 for commission of offence punishable under Section 376 of the Indian Penal Code and also under Sections 420 and 493 IPC . She also arrayed the mother of the petitioner no.1 in that proceeding. The investigating authority while submitting the charge sheet did not find any other cogent materials excepting the materials to attract Section 376IPC and the accused were discharged from the other charges. The learned court further framed the charge under Section 376IPC against the present petitioner no.1 in the year 2019 and later on 5 witnesses were examined till 2022 when the opposite party filed a criminal revisional application for framing charge only under section 376IPC .

9. In the present complaint the specific allegation levelled against the petitioners for threatening with dire consequences and to put pressure on the opposite party no.2 to withdraw that complaint under Section 376 of the Indian Penal Code.

10. On close scrutiny, it is further detected that the she adduced evidence in the said proceeding on November 20, 2019 and the instant complaint had been lodged long thereafter in the year December, 2024.

11. On behalf of the State, learned Public Prosecutor tried to impress upon this Court that the subsequent complaint was lodged by the opposite party no.2

after she adduced evidence before the court stating on account of some misunderstanding she lodged the complaint and hence the possibility of threatening her as alleged cannot be ruled out.. Accordingly, it submits that the present petitioners should face the trial in order to unveil the truth.

12. A decision has been relied upon in the case of ***Salib alias Shalu alias Salim Vs. State of Uttar Pradesh & Ors.***[1], where the application was filed for quashing of the FIR where the name of the appellant was not disclosed in the FIR, but found from the victim's statement. The Hon'ble Supreme Court discussed the applicability of Section 195A of the Indian Penal Code and held that this provision was applicable when any individual is threatened with any injury to his person, reputation or property and such threats are administered with intent to cause that person to give false evidence. In the said case also, the threatening was by the accused person and pressurizing the complainant to withdraw her FIR registered for the offences punishable under Section 376D and other provisions. The Hon'ble Supreme Court also held that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

13. In the present case it further transpires from her deposition made in the session case that they had huge quarrel and hence she lodged the complaint .She admitted that they had live-in relationship for about two years and

[1] (2023) 20 Supreme Court Cases 194

resided at a rented accommodation .Both of their families were also aware about such relationship .After the petitioner refused to marry her which she had a hope she lodged such complaint. In her cross examination she candidly said that she had no grievances against the petitioner.

14. After deposing in this manner on 20.11.2019 she lodged the complaint of threatening her by the petitioners in the year 2024 that is long after 5years. It is significant to note after the lady adduced the above nature of evidence there remains nothing to support her case and question arises why the petitioners would put pressure on her to withdraw the said complaint when she herself expressed that she had no grievances against the petitioners. Infact the opposite party did not turn up to proceed with her own revisional application which was pending before this court since 2025 and it is dismissed for default. In this case also despite the notice of intimation was received by her father. The report to that extent was submitted before this Court.

15. From the records, it also transpires that the present petitioner no.1 was an employee of M/s. Lobo Staffing Solutions Private Limited and subsequently, because of the complaint, his service was terminated. He had to spend certain period behind the bars and the opposite party no 2 on oath before a court of law specifically deposed that such complaint was lodged out of misunderstanding. The content of her complaint do not contain any specific details of the nature of threatening or the time and date for long 5years .

16. The I.O has not given any reason as to why he submitted the chargesheet against the petitioners when no materials could be gathered against the

petitioners. In the case of ***State of Haryana & Ors.v. Bhajan Lal & Ors.***[2] in **Paragraph 102(7)**, the Supreme Court explicitly laid down that a High Court can quash proceedings under Section 482 CrPC (now **Section 528 of the BNSS**) *"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."*

17. Considering the above facts and circumstances and the materials collected in course of evidence and on perusal of the Case Diary as well as the submissions advanced by the learned advocates for the parties, this Court is of the considered view that there is no iota of materials to establish that the present opposite party no.2 was threatened by the petitioners and as a result, she had to depose before the court to that extent that the complaint was lodged against the accused out of misunderstanding and they had huge quarrel between them.

18. Therefore, this Court is of the view that the entire proceeding being Sessions Case No.20 of 2025 arising out of Kalyani Police Station Case No. 986 of 2024 dated December 02, 2024 under Sections 232(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to Sections 195A/34 of the Indian Penal Code pending against the present petitioners stands quashed.

19. Let the Case Diary be returned.

[2] 1992 Supp (1) 335

20. The revisional application stands disposed of.

21. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

22. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]

High Court
सत्यमेव जयते
Calcutta