

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 4950 OF 2023

MANDIRA DEBNATH

VS

THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Kunal Gaguly, Adv.
Mr. Tirthankar Mukherjee, Adv.
Ms. Madhurima Sarkar, Adv.
Ms. Urmi Biswas, Adv.

For the Opposite

Party no. 2 : Ms. Sreeparna Ghosh, Adv.

For the State : Mr. Debasish Roy, Ld. P.P.
Mr. Amita Gaur, Adv.
Mr. Bikram Mitra, Adv.

Last heard on : 16.12.2025

Judgement on : 18.02.2026

Uploaded on : 18.02.2026

CHAITALI CHATTERJEE DAS, J. :-

1. This revisional application has been filed for quashing of the proceeding arising out of charge sheet no. 222/23 dated May 30, 2023 under Section

448/325/354B 506/34 of the Indian Penal Code, 1860 in connection with Nabadwip P.S. case no. 135/2023 dated 13.03.2023. under Section 448/325/354B 506/34 of the Indian Penal Code, 1860 now pending before the Learned Judicial Magistrate, First Cass, Nabadwip Court.

Brief fact of the facts

2. The case of the petitioner in brief is that the petitioner is a lady constable in Chapra Police Station, Nadia, a married lady having her matrimonial house at Nabadwip lives with her parents and married sister at her matrimonial house. The uncle of the petitioner being Opposite Party no. 2 herein and aunt resides at adjacent to the house of the petitioner.
3. The Opposite Party no. 2 along with his wife with an intention to illegally evict the present petitioner and her family from the parental house of the petitioner and in order to grab the entire ancestral property continuously torturing her physically and mentally since long. On March 9, 2023 at around 10 A.M. the Opposite Party no. 2 and his wife had set fire to the dry leaves gathered besides the premises of petitioner in absence of family members. On March 11, 2023 at around 10:30 A.M. taking advantage of the absence the petitioner and her family members the Opposite Party no. 2 and his wife again did same thing by setting fire to the dry leaves accumulated besides the premises of the petitioner with an intention to burn the entire premises.
4. The further case of the petitioner that the Opposite Party no. 2 and his wife tried to spread a false news against the parents of the petitioner for holding them responsible for such act and also assaulted the mother and outraged the modesty and chastity of the mother of the petitioner and disrobed her. The father of the petitioner undergone surgery and was bed ridden at that time

when he was also physically assaulted by the Opposite Party no. 2 with fists and blows. The parent of the petitioner was medically treated at Maheshganj Hospital.

5. The mother of the present petitioner had to lodge a complaint against them before the concerned Police Station on March 13, 2023 under Section 448/323/324/354B 506/34 of the Indian Penal Code, which has been registered at Nabadwip P.S. case no. 134/23.

The Opposite Party no. 2 as a counter blast lodged one FIR on March 13, 23 against the present petitioner under Section 448/325/354B 506/34 of the Indian Penal Code, which is registered as Nabadwip P.S. case no. 135/23.

Submission

6. It is submitted by the Learned Advocate appearing on behalf of the petitioner that the complaint lodged by Opposite Party no. 2 is in respect of the self-same incident for which the mother of the present petitioner lodged the complaint with the false and concocted story made against the present petitioner and her parents. On completion of the investigation the charge sheet has been submitted in such case on May, 30, 2023. The Learned Advocate of the petitioner filed supplementary affidavits pursuant to the direction of this court after receiving the copy of the materials in connection with Nabadwip P.S. case no. 135/23 pending before the Judicial Magistrate, First Class, Nabadwip Court.

7. Per Contra the Learned prosecution argued that the charge-sheet submitted by the police in connection with the complaint lodged by the Opposite Party no. 2 reflects nothing about the complaint lodged by the mother of the present petitioner and therefore at this stage without perusing the case diary of that

case it would not be possible to make any submission in respect of the other case.

This case pertains to Nabadwip P.S. case no. 135/2023 which prima facie shows certain incriminating materials and therefore when the charge sheet has been submitted the matter should be tested before the Trial Court.

Analysis

8. Heard the submission. The charge sheet of this case has been submitted by one ASI Jaydeb Singha at Nabadwip P.S. KPT. From the report furnished before this Court dated December 16, 2025 it is seen that Nabadwip P.S. case no 134/2023 was endorsed to ASI Shyamal Kumar Biswas for investigation. The formal FIR filed in 135/23 was received by the Police Station at 12:25 hours and the general diary no 753 made on 12.25 hours. The incident happened on March 11, 2023 at about 12.30 hours. The registration of FIR at Nabadwip Police Station case prima facie disclose that Nabadwip P.S. no 135/23 was lodged after the complaint was lodged by the Opposite Party no, 2 being 134/23. The allegations levelled against each other are almost similar in nature. The written complaints filed by both parties prima facie discloses that an incident occurred on the relevant date and time in which both parties were involved with each other because of their long standing inimical relationship. The nature of allegation prima facie appears to be serious since severe injuries could have caused because of the fire.

It was observed and held by the Hon'ble Supreme Court time and again that the power under Section 482 Cr.P.C to quash the FIR is to be exercised in a very sparing manner and is not to be used to choke or smother the prosecution that is legitimate. The inherent powers do not confer an arbitrary

jurisdiction on the High Court to act according to whims and caprice. Such power has to be exercised sparingly, with circumspection and in the rarest of rare case.

Conclusion

9. In this case it would be erroneous to assess the materials available in the case diary and to conclude that the complaint cannot be proceeded with when the complaint lodged by the present petitioner against the O.P. no. 2 in respect of an incident occurred on same date over which the O.P. no. 2 has lodged this instant complaint. Therefore mere filing of a complaint by the present petitioner against the de-facto complainant cannot ipso facto be considered as vexatious and or to be considered as sheer abuse of process of law, if the trial is allowed to be continued.
10. Hence this Court finds no merit in allowing the prayer of the petitioner.
11. However in order to arrive at a proper decision it would be fair on the part of the Learned Court to hear both the matter by the same Court.
12. Hence this revisional stands dismissed.
13. No order as to cost.
14. The copy of the order forwarded to the concerned court for information and taking necessary action.
15. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]