

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 42 of 2025
CRAN 2 of 2025

Subham Ghosh
Vs.
The State of West Bengal and others

For the Petitioner	:	Mr. Sandip Mandal Mr. Amit Saha Ms. Poonam Kaur
For the State	:	Mr. A.S. Chakraborty Mr. Tapan Bhattacharjee
Last heard on	:	23.03.2026
Judgement delivered on	:	23.03.2026

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding in GR Case No. 3451 of 2024 arising out of Siliguri PS Case No.907/24 dated 06.10.2024 in which charge-sheet was submitted under Sections 126(2)/351(2) of the BNS, 2023.

Affidavit of service filed in Court is taken on record.

Despite service, no one appears on behalf of the private opposite parties

Learned counsel for the petitioner submits that the petitioner is an accused in this case. There was a scuffle that took place between some locals which resulted in lodging of this FIR. The FIR also contained a provision of theft. But, charge-sheet has been submitted only under Sections 126(2) and 351(2) of the BNS. Both are non-cognizable offences. In the first place, the FIR could not have been registered under these provisions. Secondly, the FIR did not make out any prima facie case whatsoever, even under the present provisions. Any further continuation of the impugned proceeding shall be an abuse of the process of Court.

Learned counsel for the State opposes the prayer for quashing, relies on the statements of three witnesses present in the case diary and submits that there is no injury report present in the case diary.

It appears that the crux of the allegation is that there was an altercation between the certain private parties over putting up of some banners. At the worst, there is an allegation that the accused came in an excited manner and abused the alleged victim. The banners were taken out and a threat was given that they would not be allowed to hold "Puja". These do not prima facie constitute the offences alleged.

Therefore, from the FIR and the statements of witnesses recorded by the investigating officer, it does not appear that a prima facie case is at all made out either under Section 126(2) or Section 351(2) of the BNS.

Any further continuation of the impugned proceeding would, indeed, be an abuse of the process of Court.

In view of the above and in the interest of justice, the impugned proceeding is quashed.

Accordingly, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)