

22.04.2026

Item no.27

Ct. No.5

Samar

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 151 of 2026

In the matter of:- Ramesh Agarwal
@ Ramesh Kr. Agarwal & Ors.
.....petitioners.

Mr. Satarudriya Mukherjee,
Mr. Tannu Agarwal,
....for the petitioners

The present revisional application has been preferred, inter alia, seeking the quashing of a First Information Report, pursuant to which Siliguri P.S. Case No. 422 of 2024, corresponding to G.R. No. 1579 of 2024, came to be registered under Sections 420, 406, and 120B of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioners, submits that the criminal proceeding initiated against the present petitioners is, in essence, civil in nature. He contends that the dispute between the complainant and the petitioners arose out of issues pertaining to the transfer of a parcel of land, and that such a dispute has been given an unwarranted criminal colour by the institution of the present proceeding.

Referring to certain averments contained in the complaint, he submits that it had been mutually agreed between the complainant and the present petitioners that certain parcels of land would be transferred in favour of the complainant. He further contends that, in pursuance of such understanding, a portion of land was subsequently conveyed to the complainant; however, it has been alleged that the said land was, in fact, being used as a football ground by the local residents.

He contends that, prior to the purchase of any immovable property, an intending purchaser is under an obligation to conduct due and necessary enquiries so as to ascertain the true nature and condition of the property. In the present case, he asserts, it is the complainant who failed to take such reasonable precautionary measures. He submits that, in the backdrop of such a dispute, no criminal liability can be fastened upon the petitioners and that, if the present proceeding is permitted to continue, the same would amount to an abuse of the due process of law. In support of his contention, he cites a decision, reported in 2025 INSC 1153 (Anukul Singh vs. State of U.P. & Ors.).

MR. Mukherjee claims that certain family members of Ramesh Agarwal and Saket Agarwal have been implicated in this case who have no connection with the transactions.

Having heard the learned advocate for the petitioner and upon anxious consideration of the materials on record, I am of the considered view that no useful purpose would be served by keeping the present revisional application pending.

Undoubtedly, in a catena of decisions, the Hon'ble Supreme Court has held that the power to quash a proceeding is wide, but not unlimited, and that such power is to be exercised sparingly, with circumspection, and in the rarest of rare cases. In *State of Haryana v. Bhajan Lal* reported in 1992 Supp(1) SCC 335, the Hon'ble Supreme Court delineated seven categories of cases wherein a criminal proceeding may be quashed. However, in *Anukul Singh v. State of West Bengal* reported in 2025 INSC 1153, it was observed that the categories enumerated in *Bhajan Lal* (supra) are illustrative and not exhaustive, and serve as guiding principles to strike a balance between two competing considerations, namely, (a) preventing abuse of the process of law, and (b) ensuring that criminal proceedings are not stifled at the threshold on disputed questions of fact.

Indisputably, where the allegations made in the First Information Report, together with the materials, if any, accompanying it, do not disclose the commission of a cognizable offence so as to justify an investigation by the police, the FIR is liable to be quashed. In such circumstances, the Court is required to examine whether the allegations contained in the FIR or the complaint, even if taken at their face value and accepted in their entirety, prima facie constitute any offence or make out a case against the accused.

It is axiomatic that the mere fact that the allegations contained in the FIR or complaint disclose a civil dispute would not, by itself, be a ground to hold that the criminal proceedings ought not to be permitted to continue. In support of this proposition, a useful reference may be made to a decision, reported in AIR 2014 SC 3352 (*Mohd. Mosiruddin v. Md.*

Sriraj). It is equally well settled that the simultaneous continuation of civil and criminal proceedings is not barred in law. However, where a reading of the complaint in its entirety reveals that the allegations essentially pertain to a civil wrong, without satisfying the ingredients of any criminal offence, and that a criminal colour has been artificially imparted thereto, such proceedings may be liable to be quashed. At the same time, where disputed questions of fact arise requiring adjudication, the matter must ordinarily be left to be decided at trial.

In the present case, the complaint, inter alia, alleges that certain agreements for sale were entered into between the accused persons and the complainant for the purchase of lands, the particulars whereof have been set out therein, and that the accused persons received a sum of Rs. 84.5 lakhs in that regard. It is further alleged that, upon enquiry, the complainant came to learn that the said land had already been sold to a third party at an earlier point of time. Thereafter, following such development, another parcel of land was conveyed; however, it was subsequently discovered that the said land was being used as a football ground by the local residents. The complaint further alleges that, when this fact was brought to the notice of the accused persons, they demanded an additional sum of Rs. 30 lakhs for vacating the said land.

Lastly, proceeding on the supposition that the entire course of conduct on the part of the accused persons was nothing but a calculated ploy to secure unlawful gain, to cheat the complainant, and to extract monies from the complainant and his family members, the present complaint came to be instituted, on the basis whereof the FIR was registered alleging commission of offences punishable under Sections 406, 420, and 120B of the Indian Penal Code.

If it is found that a criminal proceeding has been initiated with the object of securing a civil remedy by invoking the machinery of the investigating agency or by resorting to the criminal justice system, the matter would stand on an entirely different footing. At the same time, no blanket proposition can be laid down that, whenever a court is confronted with a dispute relating to land, it must, at the very threshold, conclude that the dispute is purely civil in nature and thereby stifle the investigation.

In the case at hand, a reading of the allegations contained in the FIR indicates that certain disputed questions of fact are involved, which require proper enquiry. In such circumstances, without an examination of the evidence to be adduced by the parties, it would not be prudent at this stage to conclude that the allegations pertain purely to a civil wrong, devoid of the ingredients of any criminal offence, or that a criminal colour has been artificially imparted thereto with a view to securing civil remedies.

A decision is a precedent on its own facts, and each case presents its own distinguishing features. A judgment is an authority for what it actually decides, and it is equally well settled that a court should not place reliance upon a decision without examining how the factual matrix of the case at hand fits in with that of the decision relied upon. There is no scintilla of doubt as to the binding nature of the precedent laid down in *Anukul Singh v. State of West Bengal*; however, the said decision does not ensure to the benefit of the petitioners.

Accordingly, the petition as presented seeking quashing of the case being CRR 151 of 2026 stands dismissed.

The learned Court below is directed to proceed with the trial, without being influenced by any observations made in this order.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.)