

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

Present:

The Hon'ble Justice Rai Chattopadhyay

CRR 315 of 2025

Sri Bhanu Kumar Roy and Ors.

Vs.

The State of West Bengal & Anr.

For the petitioner : Ms. Sumon Sehanabis (Mandal)
: Mr. Salok Sah
: Ms. Anwesha Chakraborty

For the O.P. No. 2 : Mr. Bhaskar Roy Mahasaya

For the State : Mr. Nilay Chakraborty, Ld. APP
: Mr. Kallol Acharjee

Heard On : **19.12.2025**

Judgment On : **13.01.2026**

Rai Chattopadhyay, J.

1. The petitioners are the accused persons in Rajganj P.S. Case No. 536 of 2022 dated September 20, 2022, which has been filed by the present opposite party No. 2/de facto complainant against the said petitioners under Sections 498A, 323, 307 I.P.C. read with Section 3 and 4 of the Dowry Prohibition Act.

2. The petitioners who are the father-in-law, mother-in-law and the husband of the de facto complainant respectively, has filed the instant case seeking quashing of the said proceeding, now pending in the Court of learned Chief Judicial Magistrate at Jalpaiguri and numbered G.R. Case 5338 of 2022.
3. Ms. Sumon Sehanabis (Mandal), learned advocate for the petitioner has submitted the instant criminal case is an unfounded, frivolous one, filed against the petitioners by the de facto complainant only maliciously and to fulfill grudge against the petitioners.
4. She has elaborated that the entire allegation as made in the F.I.R. has no basis. It is submitted that, instead the de facto complainant has conducted herself in a manner not conducive to a peaceful matrimonial life.
5. Ms. Sehanabis for the petitioners has further submitted that, the de facto complainant has not been able to bring on record any cognizable case against the present petitioners worth taking cognizance by the Court of law. She has submitted further that, no evidence could be found even prima facie, against the present petitioners. She has further submitted that, a criminal proceeding as the present one, which is manifestly attended with mala fide and instituted maliciously with ulterior motive by the de facto complainant for wrecking vengeance on the petitioners due to private and personal grudge may not be considered as maintainable in the eye of law. In this regard, she has relied on the judgment of ***State of Haryana and Others Vs. Ch***

Bhajanlal and Others reported in **1992 Supplementary (1) SCC 335**.

6. Later on, she has also referred to various judgments of the Supreme Court as relied on by the in **Kahkashan Kausar alias Sonam and Others Vs. State of Bihar and Others** reported in **(2022) 6 SCC 599** to submit that, in all the cases as mentioned above, the Supreme Court has discussed about the harassive effect of mis-utilization of the statutory protection in the hands of unscrupulous litigants, so far as penal provision under Section 498A, IPC is concerned and strongly deprecated such practice. She says that, a criminal proceeding over trivial familial issues have been criticized by the Court. The trial Courts have been directed to assess about the insurmountable harassment agony and pain to the complainant accused and his close relations before taking into cognizance the offence alleged. That, the Court says the allegations of complaint are required to be scrutinized with great care and circumspection.
7. According to the petitioners, the general nature of the allegation against all of them would not be maintainable due to its very nature, which cannot be sustained without any specific data or document. In this regard, Ms. Sehanabis has mentioned the judgment of Supreme Court in **Geeta Mehrotra Vs. State of U.P.** reported in **(2012) 10 SCC 741**, as referred to by the said Court later on in **Kahkashan Kausar's (Supra)**. She says, the omnibus allegations are to be held as

not maintainable so far as the issue of quashing of the criminal proceeding is being considered by the Court.

8. For the reasons as above, Ms. Sehanabis, learned advocate has sought for an order directing quashing of the criminal proceeding in G.R. Case No. 5338 of 2022, now pending before the learned Chief Judicial Magistrate at Jalpaiguri.
9. The opposite party No. 2 is represented by Mr. Bhaskar Roy Mahasaya, learned advocate. According to the opposite party No. 2, the F.I.R. as well as the materials collected in investigation strongly suggest about genuineness of the allegations made in the F.I.R. Therefore, according to the respondent No. 2, on the anvil of the settled parameters on which the revision Court has to see through the letter of complaint/F.I.R. to find strong prima facie case of a cognizable offence have not been made out against the accused person, have been duly fulfilled in the instant case. He has further submitted that the petitioners are the near relations in matrimony of the de facto complainant and used to stay together with the de facto complainant in her matrimonial home. Therefore, that cannot be termed as “distant relations” but only otherwise. According to him, the F.I.R. and the materials collected during investigation has made out strong prima facie, cognizable case against the present petitioners justifying trial against them. For the reasons as above, he has insisted for dismissal of the present revision.

- 10.** State is also represented and duly supports the stand of the opposite party No. 2.
- 11.** Fair play and rule of law are the bed rock on which the bastion of justice is founded. The revision Court while considering prayer of the accused persons for quashing of the proceeding against them, is to abide by the rules of fair play. The Court should look into the complainant's version as well as that of the accused persons who seek quashing of the criminal procedure stating that the same has no foundation. The Court is to look, therefore, as to whether the criminal proceeding actually has any foundation or not. In this regard, invaluable guidelines can be perceived from the judgment of the Supreme Court in ***Bhajanlal's Case (Supra)*** which lays down the same in the following words :-

102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of

the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) 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.

12. Therefore, not every criminal proceeding is to be sent for trial. The proceeding in which strong prima facie materials are available constituting basic ingredients of the cognizable offence as alleged against the accused persons, which are not tainted with any mala fide intention or malicious exuberance of the complainant to fulfill her grudge otherwise, should be considered to be worth sending for trial to unearth the truth.

13. By applying the said principles of law as against the factual background of the instant case, one can find sufficient materials to be available against the person petitioners in the F.I.R. itself. In the F.I.R. all the petitioners have been named specifically, with specific and

categorical mention about their respective mode of participation in perpetration of the alleged crime. Materials collected during investigation have supported the prosecution case. Hence, a charge sheet has been submitted against all the present petitioners, by the police.

- 14.** The petitioners have raised the ground of malice and grudgeful vengeance of the de facto complainant in lodging a criminal case against them. So far as this claim of the petitioners is concerned, there is no plausible material available on record in order to substantiate the same as to what might have been the probable incidents depicting exercise of mala fide and grudgeful behavior by the de facto complainant is inconceivable from the materials in the present case. In such view of the fact, the Court finds the judgments referred to by the petitioners may not be of any help to them, thus being differentiable on the specific factual background of the respective cases.
- 15.** On the other hand as discussed above, it is found that, the F.I.R. and other materials collected so far, have disclosed strong prima facie cognizable offence against the present petitioners. That prompts the Court to find the instant case worth for sending before the trial Court for trial of the matter. The grounds pleaded by the petitioners to show that any further proceeding would be only abuse of the process of Court thus, appears to be unsustainable.
- 16.** For the reasons as discussed above, Court finds no merit in the instant revision. CRR 315 of 2025 is therefore, dismissed. However,

the trial Court is requested to proceed expeditiously in this matter without granting necessary adjournment to any of the parties.

17. CRR 315 of 2025 is disposed of along with applications pending, if any.

18. Certified copy of C.D. as was taken on record, be immediately returned.

(Rai Chattopadhyay, J.)