

27.04.2026

Item no.45

Ct. No.5

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

CRR 330 of 2025

In the matter of:- Arkodip Saha Pramanik

Mr. Kali Pada Das,
Ms. Saheli Ray Dakua,

....for the petitioner.

Mr. Ujjwal Luksom, Ld. APP.,
Mr. Sagnik Sankar Sikdar,

....for the State.

The present revisional application has been presented under Section 528 of the BNSS, corresponding to 482 of the Code of Criminal Procedure, 1973, seeking quashing of GR case no. 965 of 2025, arising out of Kumargram P.S. Case no. 119 of 2025 dated 1.6.2025 under Section 85 of the BNS read with Sections 3 and 4 of Dowry Prohibition Act, presently pending before the Court of learned Chief Judicial Magistrate, Alipurduar qua the petitioner.

Mr. Das, learned advocate appearing for the petitioner, submits that the principal allegations contained in the FIR are directed against his parents and not against the petitioner. He contends that no specific overt act has been attributed to the petitioner and, therefore, having regard to the role assigned to him, the present criminal proceeding cannot be allowed to

continue against the petitioner. He further submits that the FIR itself records that, on account of his employment, the petitioner used to reside outside the State and, therefore, any allegation, if at all, levelled against him has no legs to stand on. Accordingly, he submits that the proceeding qua the petitioner is liable to be quashed, failing which it would amount to an abuse of the process of law and result in a miscarriage of justice.

Mr. Luksom, learned advocate appearing for the State, produces the case diary and opposes the petitioner's prayer for quashing of the proceeding based on the materials available in the case diary.

Heard the learned advocate appearing for the respective parties and perused the materials on record including the case diary.

Needless to emphasise, the power to quash a criminal proceeding is to be exercised sparingly, with circumspection, and in the rarest of rare cases. Though the power is wide, it is not unlimited. In *State of Haryana vs. Bhajan Lal*, the Hon'ble Supreme Court delineated illustrative categories of cases in which such power may be exercised. In the decision, it was, inter alia, observed that where the allegations contained in the FIR or complaint, even if taken at their face value and accepted in their entirety, do not constitute any offence, the proceeding may be quashed. However, at this stage, the Court is not expected to embark upon an enquiry into the reliability or genuineness of the allegations made in the FIR or

complaint. Further, where the allegations are so absurd and inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused, or where the criminal proceeding is manifestly attended with mala fides and/or maliciously instituted with an ulterior motive for wreaking vengeance on the accused due to private and personal grudge, the proceeding may be quashed.

In the present case, it is, inter alia, alleged that the petitioner used to abuse the complainant, hurl various abusive remarks at her, exert pressure upon her to bring money from her parents, and inflict mental and physical torture.

As observed previously, at this stage, the Court ought not to embark upon an enquiry into the reliability or genuineness of the allegations; rather, the same are required to be taken at their face value to examine whether they disclose the commission of any offence. It is well settled that the concept of 'torture' is wide enough to include mental cruelty as well. Thus, mere physical separation for a certain period would not, by itself, give rise to a presumption that no mental cruelty was inflicted; even prolonged neglect or lack of communication with the wife may, in a given case, fall within the ambit of Section 85 of the BNS. A bare reading of the complaint does not indicate that the allegations contained therein are absurd or inherently improbable.

Therefore, in view of the discussions made in the foregoing paragraphs, I do not find any justification to hold

that the allegations contained in the complaint, even if taken at their face value, do not constitute any offence qua the petitioner, or that continuation of the present proceeding would amount to an abuse of the process of law or result in a miscarriage of justice for any of the grounds urged by the petitioner.

Accordingly, the revisional application fails and is, therefore, dismissed.

It is clarified that the learned Trial Court shall proceed with the trial without being influenced by any of the observations made in this order.

(Partha Sarathi Chatterjee, J.)