

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

Before:

The Hon'ble Mr. Justice Jay Sengupta

CRR 467 of 2025

Dhanpath Ray Rathi @ Dhanpath Roy Rathi and anr
Vs.
The State of West Bengal and another

For the Petitioners	:	Mr. Abhilash Mittal Mr. Nigam Mittal
For the State	:	Mr. A.S. Chakraborty Mr. Abhijit Sarkar
For the Siliguri PS SI	:	Mr. Rakesh Debnath (VC)
Last heard on	:	25.03.2026
Judgement delivered on	:	25.03.2026

Jay Sengupta, J. :

This is an application praying for quashing of a proceeding in GR Case No. 2344/22 pending before the learned Judicial Magistrate, 4th Court, Siliguri in which charge-sheet was submitted under Sections 341/506 of the IPC and Section 24 of the Maintenance and welfare of Parents and Senior Citizens Act, 2007.

Copy of communication in this regard, as filed in Court, is taken on record.

No one appears on behalf of the private opposite party despite service.

Learned counsel for the petitioners submits that the petitioner No.1 is the father of the petitioner No.2 and is aged about 88 years. He is wheel-chair bound and unable to move without assistance. The de facto complainant is the brother of the petitioner No.1. The only allegation is that the petitioners had prevented the de facto complainant from undertaking repair work at the common household and gave threats to the de facto complainant. No prima facie case is made out. Any further continuation of the proceeding shall be an abuse of the process of Court.

Learned Additional Public Prosecutor representing the State opposes the prayer for quashing of the proceeding and submits that as per the direction passed by this Court earlier, the officer-in-charge of the concerned police station had informed the opposite party No.2 about the next date of hearing. The Officer-in-Charge of Khalpara TOP-II under Siliguri PS is present through video conference from Khalpara Town Post as he is presently involved in the security arrangement for the Hon'ble Chief Minister, who is visiting the district. He also submits that there are statements of witnesses, which only refer to the petitioners trying to prevent the de facto complainant from carrying out the repair work and giving threats.

It appears that the matter relates to a family dispute between relatives, one side allegedly preventing the other from doing some repair work. However, there is no material to indicate that there was any wrongful restraint made. Even the allegations of giving threats do not attract the mischief of Section 506 of the Penal Code. Therefore, no prima facie case

appears to have been made out against the petitioners under Sections 341 and 506 of the Penal Code.

From a plain reading of the FIR and the statements of witnesses, it does not appear that even a prima facie case made out under Section 24 of the said Special Act.

In view of the above and in the interest of justice, I hereby quash the impugned proceeding in GR Case No. 2344/22 pending before the learned Judicial Magistrate, 4th Court, Siliguri.

Accordingly, the revisional application stands disposed of.

Personal appearance of the concerned Officer-in-Charge through video conference is noted and is dispensed with.

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

(Jay Sengupta, J.)