

22.04.2026

Item no.14

Ct. No.5

Samar

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

CRR 612 of 2025

In the matter of:- Sita Prasad & Ors.

.....petitioners.

Mr. Reshab Kumar,
Mr. Subham Gupta,
Mr. Debayan Goswami,

....for the petitioners

Mr. Hillol Saha Podder,

.... For the opposite party.

The present revisional application has been preferred under Section 528 of the BNSS corresponding to Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of Complaint Case No. 911 of 2022 dated 29th July, 2022 under Sections 315/420/403/406/506 and 120B of the Indian Penal Code, 1860, presently pending before the Court of the learned Additional Chief Judicial Magistrate at Siliguri, District Darjeeling.

Mr. Kumar, learned Advocate appearing for the petitioners, submits that the opposite party is the father-in-law of petitioner No. 1; petitioners Nos. 2 and 3 are the father and mother, respectively, of petitioner No. 1; and petitioner No. 4 is her brother. He further submits that the marriage between petitioner No. 1 and Surjo Prakash Gupta was solemnized on 06.12.2020, and that, within a few

days of the marriage, the wife was subjected to various forms of physical and mental cruelty, as a result whereof their relationship became strained, leading them to live separately.

He submits that the husband, Surjo Prakash Gupta, instituted a matrimonial suit, being Mat Suit No. 85 of 2022, on 28th February, 2022, seeking a decree of divorce against petitioner No. 1. Thereafter, on 8th May, 2022, the wife lodged a criminal case under Sections 498A/34 of the Indian Penal Code, read with Sections 3 and 4 of the Dowry Prohibition Act, against the husband and his family members. Subsequently, the present complaint came to be lodged by the father-in-law of petitioner No. 1, inter alia alleging that, at the time of negotiations preceding the marriage, the father of the bridegroom had taken a loan of Rs. 75,000/- for the purchase of furniture intended to be given as a gift to petitioner No. 1 at the time of the marriage ceremony. It is further alleged that, thereafter, the petitioners' family, on the pretext that they had forgotten to bring ornaments, requested the opposite party and his wife to lend gold jewellery, assuring that the same would be returned later, so that the bridegroom could wear the same. Acting on such request and assurance, gold ornaments were handed over by the opposite party and his wife to petitioner No. 1; however, the same have not been returned, as promised. It is also alleged in the complaint that the wife had voluntarily terminated her pregnancy with a view to avoiding continuation of the marital relationship. The learned advocate for the petitioners emphatically refutes these allegations, contending that the same are wholly unfounded and patently absurd.

He contends that, at the time of institution of the matrimonial suit, no such allegations were made or even alluded to therein. He further submits that the present criminal proceeding has been initiated solely as a pressure tactic and with an ulterior motive, and that the entire proceeding is vitiated by mala fides. It is also urged that the narrative set out in the complaint lacks inherent probability and credibility, and that the continuation of such proceedings would amount to an abuse of the process of law.

In support of his contention, he relies upon two decisions: one reported in 2025 INSC 1153 (*Anukul Singh vs. State of Uttar Pradesh and Another*) and the other being an unreported decision of the Hon'ble High Court of Delhi in *CRL.M.C. 4616 of 2022 & CRL.M.A. 18749 of 2022 (Rajesh Aggarwal & Anr. vs. State (NCT of Delhi) & Anr.)*.

Per contra, Mr. Podder, learned Advocate appearing for the opposite party, submits that, at this stage, the Court ought not to embark upon a mini trial or scrutinize the veracity of the allegations made in the complaint. Placing reliance upon a decision, reported in *(2021) 19 SCC 401 (Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others)*, he contends that the power to quash criminal proceedings is to be exercised sparingly and in the rarest of rare cases, and that such proceedings ought not to be interdicted at the threshold without adequate justification. In further support of this proposition, he also places reliance upon the decision reported in *2025 INSC 596 (Renuka vs. State of Karnataka and Another)*.

He further produces certain documents, namely, two tax invoices issued by two different companies, dated 20th November, 2020 and 02.05.2014, respectively, in order to demonstrate that certain gold ornaments had been purchased by Ganesh Prasad. He also submits that the petitioners have suppressed the material fact that the case instituted by petitioner No. 1 against the opposite party and his family members under Sections 498A/34 of the Indian Penal Code has already been disposed of, culminating in the acquittal of all the accused persons.

In reply, Mr. Kumar submits that the present revisional application was filed on 27th December, 2025, whereas the order produced by the opposite party indicates that the said criminal case was disposed of on 29th November, 2025. He contends that this fact was not within the knowledge of the petitioners at the time of filing of the present application.

Heard the learned Advocates appearing for the respective parties and perused the materials on record.

It is well settled that the power to quash criminal proceedings is wide but not unlimited, and must be exercised sparingly, with circumspection, and in the rarest of rare cases. At this stage, while deciding an application for quashing, the Court should not embark upon an enquiry into the reliability or genuineness of the allegations made in the complaint. Such power is to be exercised only to secure the ends of justice and to prevent abuse of the process of law, particularly where continuation of the proceedings would amount to such abuse.

In *State of Haryana vs. Bhajan Lal* reported in 1992 Supp (1) SCC 335, seven illustrative categories were delineated in which quashing of proceedings may be justified; however, the said categories are not exhaustive but merely illustrative. In the said decision, it was further observed that where the allegations made in the FIR or complaint are so absurd or inherently improbable that no prudent person can reach a just conclusion that there is sufficient ground for proceeding against the accused, or where the proceeding is manifestly attended with mala fides or has been instituted with an ulterior motive for wreaking vengeance, quashing may be justified and it is equally well-settled that criminal prosecution cannot be permitted to be used as an instrument of harassment.

In the present case, it appears that, following a dispute in the marital life of petitioner No. 1 and her husband, certain proceedings, including a matrimonial suit, were instituted. Admittedly, in the plaint of the said suit, no averments were made regarding the alleged taking of money or ornaments from the father-in-law of the bridegroom. However, it was averred therein that petitioner No. 1 had visited a nursing home and terminated her pregnancy on 06.05.2021.

As noted hereinbefore, at this stage, the allegations in the FIR/complaint are to be taken at their face value to ascertain whether they disclose the commission of any offence. Even if the allegation regarding the taking of money and ornaments may be contended to be inherently improbable, the allegation relating to the abortion, in my view, warrants enquiry. No medical documents have been produced on behalf of the petitioner to persuade this Court to take a

different view. In such circumstances, on a prima facie consideration, it cannot be said that the said allegation does not disclose the commission of any offence.

In view thereof, I do not find sufficient justification to hold that the present case falls within any of the categories enumerated in *Bhajan Lal* (supra), as reiterated in *Anukul Singh* (supra). There is no doubt regarding binding precedent of the decisions cited by the petitioner; however, those are distinguishable on facts.

Accordingly, I am unable to accept the contention of the petitioners, and the revisional application seeking quashing of the complaint is, therefore, rejected.

Accordingly, CRR 612 of 2025 is **dismissed**.

The learned Trial Court is directed to conclude the proceedings in CRR 612 of 2025 as expeditiously as possible, without being influenced by any of the 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.)