



IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRR 4805 OF 2023

UTTAM MONDAL

VS

THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Rit Banerjee, Adv.

For the State : Mr. Arijit Ganguli, Adv.

Mr. Shiladitya Banerjee, Adv.

For the Opposite

Party No. 2 : Dr. Achin Jana, Adv.

Mr. Prosenjit Ghosh, Adv.

Mr. Chetna Rustagi, Adv.

Last heard on : 09.12.2025

Judgement on : 11.02.2026

Uploaded on : 11.02.2026

CHAITALI CHATTERJEE DAS, J. :-

1. This revisional application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the proceeding of SC no.16 (3) 2023 BGR no., 2033 of 2022 arising out of Bishnupur Police Station case no. 339 of 2022, under Section 341/325/354D/308/506/509 of the Indian Penal Code,



1860 pending before the Court of the learned 17th Additional District Judge Act, Alipore.

2. The fact of the case in brief is that on May 18, 2022, the Opposite Party no. 2 lodged a complaint before the Officer-in-Charge, Bishnupur Police Station, South 24 Parganas alleging inter alia that on May 17, 2022 at about 19:55 hours when the Opposite Party no. 2 was returning home and came near her house, the petitioner restrained her wrongfully and abused her with dire consequences by using most offensive languages. On being protest by her, the accused person assaulted her by means of fist and blows as well as slaps, kicks, and pushing her to the boundary wall, outraged her modesty with a view to finish her. He also tried to snatch the gold chain from the Opposite Party no.2 during scuffling. It was further alleged that the petitioner was in habit of troubling the woman and falsely proposes the Opposite Party no. 2 in various ways, but she did not agree and hence the incident happened at the behest of the accused person. On receipt of the complaint, the investigation started and the police went to the spot and examine some persons and on completion of investigation submitted the charge-sheet against the present petitioner.

3. Learned Advocate representing the petitioner submits that the petitioner has been falsely implicated in this case and the proceeding is not maintainable in the eye of law, as no ingredients to attract the charges levelled against the petitioner can be found from the fore-corners of the written complaint. It is specifically argued that 10 witnesses have been named in the charge-sheet as witnesses, but only six persons have been examined and nothing can be found as to why other witnesses named in the charge-sheet have not been examined.



The Doctor who treated the victim was not examined, and the medical report was not attached in the charge-sheet. It is further argued that this complaint has been lodged as a counter blast to the complaint lodged by the petitioner against the Opposite Party no. 2 and he refused to withdraw the said complaint. It is submitted that he is a social worker deals with custodial, death against police and hence he has been falsely framed. That apart there are glaring inconsistencies in the statement given by the Opposite Party no. 2 , under Section 161 of the Code of Criminal Procedure and she herself belied her own Case, and hence the proceeding itself has no legs to stand on and is liable to be quashed.

- 4.** The learned Advocate of the Opposite Party no. 2, on the other hand submit that the charge has been framed in the month of June 20, 2025. The criminal revisional application was filed in the year 2023. The order of stay was granted on August 2025, with the observation trial is about to commence. This revisional application was not filed against the refusal order of discharge. It is further submitted that an application for vacating order of stay has been filed by the Opposite Party no. 2 against the order of interim stay granted on August 12, 2025, whereby the proceeding was stayed.
- 5.** The learned Advocate of the prosecution submits that there are *prima facie* materials against the petitioners and the charge has been framed and hence the petitioner must face the trial.
- 6.** Heard the submissions. The genesis of the case rest upon the complaint lodged by the Opposite Party no. 2 against the present petitioner on May 18, 2022, alleging of an offence of not only attempted to outrage her modesty on May 17, 2022, but also he took out a sharp weapon along with one glass bottle with



liquid and tried to spread the same on her face and when she shouted, she was assaulted by the petitioner herein and ultimately fled away with his Scooty as local people assembled and tried to hold him. The complaint further narrated that for four years, the petitioner is creating mental disturbances by following her and she had to lodge the complaint being 235/20 under Section 354D/500 A/509 IPC. She also furnished the case diary no. 824 dated March 10, 2019 and 2513 dated July 27, 2019. She also alleged that he has tried to frame her in other matters which is 420 (8) 2020 and on completion of investigation, final report was filed being 668/20.

7. The petitioner has tried to impress this Court that the parties were well acquainted with each other being college mates of Rabindra Bharati University DDE at Vidya Nagar College campus and they had a romantic relation since 2016 to 2019. On May 17, 2022, the present petitioner lodged a complaint before the superintendent of police Diamond Harbour Police District, 24 Parganas south against the father of Opposite Party no. 2 for abusing him and threatening him with dire consequences. The stand taken by the petitioner is that the complaint lodged by the Opposite Party no. 2 is a counter blast against the legal steps taken by the petitioner against her.

8. The facts and circumstances of the case on the other hand unfold an inimical relationship between the parties over which several complaints were filed. The opposite party prior to lodging of this complaint lodged another complaint against the petitioner for harassing her. An FRT has been filed in respect of the complaint lodged by the petitioner against the Opposite Party. This revisional application has been filed after the trial has been commenced on framing of the charges on October 16, 2023, under Section 308/325/341/379/506 of the



Indian Penal Code, 1860 .At the time of admission of the criminal revisional application on December 15, 2023, liberty was granted to the petitioner to pray for an interim order after affecting service upon the Opposite Party no.2. Subsequently on August 12, 2025, the coordinate bench passed the order of stay for a limited period. In between the victim has been examined as P.W.1 and the trial has progressed fairly .The application for vacating the said order of interim stay of all proceedings was also filed by the opposite party no 2 which got extended till December 15, 2025. On September 16, 2023, on the date fixed for charge hearing the application was filed by the petitioner for discharge was also heard and after considering the fact and circumstances and the complaints filed by the present petitioner against the Opposite Party no. 2 and her family members the court was satisfied about the incident took place in between the parties and the ground which were sufficient to frame the charge against the petitioner. Accordingly dismissed such prayer for discharge.

- 9.** In the revisional application filed before the Court on December 8, 2023, no prayer was made to set aside such order of discharge and the petition was absolutely silent about the said fact.
- 10.** It is settled law that the parameters required for quashing of a complaint and the proceeding after the charge-sheet has been submitted are not same. The learned Trial Court, after considering the materials were satisfied about the existence of the prime material against the petitioner and refused to allow the application to discharge the petitioner therefore this Court must be more cautious and circumspect while exercising the discretionary power under section 482 of the Code of Criminal Procedure. In the case of **State of**



Telangana versus Habib Abdullah Jeelani¹. It was observed and held by the Hon'ble Supreme Court that the powers under Section 482 Cr.P.C or under Article 226 of the Constitution of India to quash the first information report is to be exercised in a very sparing manner and is not to be used to choke or smother the prosecution that is legitimate. The inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whims and caprice. Such power has to be exercised sparingly, with circumspection and in the rarest of rare cases.

11. In the case of **R.P Kapoor vs State of Punjab²** while dealing with inherent power of the High Court under Section 482 of the court, it was observed and held that the inherent jurisdiction of the High Court can be exercised to quash a proceedings in a proper case, either to prevent the abuse of the process of any court or otherwise to secure the ends of justice. In a catena of decisions, the Hon'ble Supreme Court was of the view that it would not be proper for the High Court to analyse the case of the complainant in the light of all probabilities in order to determine whether a conviction would be sustainable and on such premises arrive at a conclusion that the proceedings are to be questioned. It would be erroneous to assess the material before it and conclude that the complaint cannot be proceeded with. More so the petitioner has lodged the complaint against the Opposite Party no 2 in respect of an incident occurred on same date over which the Opposite Party has lodged the complaint.

¹ (2017) 2 SCC 779

² AIR 1960 SC 866



12. Therefore, on conspectus of the entire circumstances the allegation about commission of some serious offences are found in the F.I.R against the petitioner without referring to any prior relationship as claimed by the present petitioner . In course of investigation also sufficient materials are found in existence as appears from the case diary in support of the Opposite Party no.2 and the statements made by the various witnesses against the present opposite party no. 2. The learned Court applied his mind considering the materials placed before him and refused to discharge the petitioner. Hence mere filing of a complaint by the present petitioner against the de-facto complainant prior to lodging of the complaint by her cannot *ipso facto* be considered as vexatious and or if the trial is allowed to be continued, would be sheer abuse of the process of law.

13. Hence, this Court do not find any materials in the case of the petitioner for which the proceeding is to be quashed and hence this revision application is liable to be dismissed.

14. Accordingly, this criminal revisional application stands dismissed.

15. No order as to costs.

16. Let a copy of the order be forwarded to the concerned court for information and necessary compliance.

17. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]