

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

**PRESENT:
THE HON'BLE JUSTICE UDAY KUMAR**

CRR 1632 OF 2024

**SRI NIRMAL MONDAL & OTHERS
-VS-
THE STATE OF WEST BENGAL & ORS.**

For the Petitioner : Mr. Guddu Singh.

For the State : Mr. Subrata Mukherjee,
Mr. Shourjyo Mukherjee,
Mr. Narayan Debnath.

For the private O.P.s. : Mr. Uttam Kumar Shaw,
Mrs. Sarda Sha.

Reserved on : 22.09.2026

Pronounced on : 24.09.2026

UDAY KUMAR, J.: –

1. By this criminal revisional application filed under Section 482 of the Code of Criminal Procedure, 1973, the nine petitioners comprising close family members, siblings, and relatives have invoked the inherent jurisdiction of this Court seeking the quashing of the criminal proceeding arising out of Durgapur Police Station Case No. 470 of 2021 dated October 04, 2021, corresponding to G.R. Case No. 1666 of 2021

(subsequently re-registered as G.R. Case No. 1489 of 23 /Sessions Case No. 19 of 2022), under Sections 448, 323, 325, 307, 379, 506 read with Section 34 of the Indian Penal Code, 1860, presently pending before the Court of the Learned Additional Chief Judicial Magistrate, Durgapur.

- 2.** The factual matrix unfurling from the records depicts a bitter domestic and family dispute over a claim for compassionate employment. The father of petitioner nos. 4, 5, 6, 7 and the opposite party no. 2 (Smt. Kavita Kumari) was an employee of South Eastern Coalfields Limited (SECL) who passed away on June 18, 2021. Under the welfare rules of SECL, a dependent family member of the deceased employee is eligible for employment subject to the fulfilment of various criteria, a primary prerequisite being the submission of a No-Objection Certificate (NOC) from all other heirs of the said deceased employee.
- 3.** On October 04, 2021, the petitioners—including several female members, some carrying minor children, and elderly relatives—journeyed from distant locations to the official residential quarters of the opposite party nos. 2 and 3 at Aayakar Abasan, Durgapur, solely to request an NOC in favour of petitioner no. 5. However, upon arrival, opposite party nos. 2 and 3 not only refused to entertain the request or issue the NOC, but also issued stern threats that if the petitioners did not leave immediately, they would be implicated in severe criminal cases. Unbeknownst to the petitioners, opposite party no. 2 had already covertly applied for compassionate employment by e-mail on September 07, 2021, despite allegedly lacking eligibility. Furthermore, opposite party no. 3, an employee of the Income Tax Department posted in

Durgapur, allegedly boasted of his administrative influence over the local police machinery.

4. The situation took a drastic twist when the local police arrived at the scene. According to the written complaint lodged by opposite party no. 2 on October 04, 2021, the nine petitioners—including women and toddlers forcibly entered the quarter at Aayakar Abasan, dragged opposite party no. 3 to the ground floor, and brutally assaulted him with iron rods and wooden sticks with an intention to kill him, while also snatching a gold mangalsutra from the opposite party no. 2 during the assault.
5. Following the investigation, the Investigating Officer initially submitted a chargesheet (Charge Sheet No. 415/21) on November 30, 2021, under Sections 448, 323, 325, 307, 379, 506 read with Section 34 of the IPC against all nine petitioners. During the consideration of charges, the Learned Additional Sessions Judge, Fast Track Court, Durgapur by its considered order dated September 04, 2023, specifically observed that having regard to the nature of injuries described as ‘simple in nature’ in the medical report, the ingredients of Section 307 of the IPC (attempt to murder) were not attracted. Subsequently, further investigation was conducted, and a pen drive, marked exhibit- ‘D’, containing audio-video footage of the alleged assault recorded on a mobile phone was sent to the Central Forensic Science Laboratory (CFSL), Kolkata for necessary examination and opinion. The CFSL report opined that the video file (VID-20211004-WA0002) was continuous without any addition or deletion, and the images were unedited. Thereupon, a subsequent

chargesheet (Charge Sheet No. 270/24 dated June 20, 2024 was filed under Sections 448/323/325/307/379/506/34/120B IPC. In the said criminal proceeding, charges were framed on August 02, 2024, and the matter is presently at the stage of evidence.

6. Mr. Singh, learned counsel for the petitioners strenuously argues that the initiation and continuation of the criminal proceeding constitute a gross abuse of the process of the court. It is submitted that the inclusion of Section 307 IPC was a deliberate, malicious ploy employed by the investigating agency at the behest of opposite party no. 3.
7. It is further contended that the entire FIR is a fabricated, colourable, and retaliatory document concocted by opposite party nos. 2 and 3 in active connivance with the investigating agency. It is pointed out as an inherent absurdity that nine family members, accompanied by women and toddlers, would visit a relative's house armed with heavy iron rods, commit a violent assault, and then docilely wait at the place of occurrence for the police to arrive and arrest them. The records reveal that the police, upon arrival at the place of incident, promptly arrested five of the petitioners on October 04, 2021 itself, while the remaining petitioners surrendered subsequently and were enlarged on bail.
8. It is further urged by the learned counsel for the petitioners that the medical/injury reports, the absence of independent corroboration, the glaring impossibility of the sequence of events, and the admitted background of civil and domestic discord expose the falsity of the prosecution case.

- 9.** *Per contra*, the learned counsel representing the State and the opposite parties placed strong reliance upon the statutory records, including the case diary, the written complaint, the injury reports, and the statements of witnesses recorded by the Investigating Officer under Section 161 CrPC and contended that the treatment documents and the injury report, coupled with the statements of independent witnesses (such as Shivram Ghosh and Laxman Nunia) and the seizure lists prepared on the spot, *prima facie* disclose the commission of cognizable offenses. Furthermore, the prosecution emphasizes that the CFSL examination report duly verified the authenticity of the digital video evidence, and the Investigating Officer, upon collecting sufficient oral and documentary materials, rightly submitted the supplementary chargesheet. It is submitted that at the stage of framing charge(s), a mini-trial cannot be conducted to weigh the sufficiency or credibility of evidence, and the disputed questions of fact must be tested during trial.
- 10.** I have meticulously perused the revisional application, the annexures, the case diary materials, the statements of witnesses, the CFSL report, and the chargesheet.
- 11.** The core question for determination before this Court is whether the allegations in the FIR and the consequent chargesheet—even if accepted at their face value—constitute a genuine cognizable offense or whether the proceeding is manifestly attended with mala fides, institutional abuse, and engineered solely to stifle a legitimate family and civil entitlement dispute concerning compassionate appointment.

- 12.** It is a well-established principle of criminal jurisprudence, as expounded by the Hon'ble Supreme Court in the landmark judgment, *State of Haryana & Ors. v. Bhajan Lal & Ors.* [1992 Supp (1) SCC 335] at paragraph 102 of the report, that where a criminal proceeding is manifestly tainted with mala fides, or where the allegations 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, the High Court in exercise of its inherent powers under Section 482 CrPC is duty-bound to quash the proceeding to prevent the abuse of the process of any court and to secure the ends of justice.
- 13.** Furthermore, the Hon'ble Apex Court in *M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra & Ors.*, [(2021) 19 SCC 401] at paragraph 12.6 of the report, had cautioned that while the power of quashing should be exercised sparingly, the High Court is not powerless where the criminal process is utilized as an instrument of harassment in private civil or family disputes. Similarly, in *Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.*, [(2022) 6 SCC 599] at paragraphs 15 to 17 of the report, the Supreme Court deprecated the tendency to rope in entire family members on general and omnibus allegations without specific, distinct material attribution. On the question of common intention under Section 34 IPC, the principles laid down in *Suresh v. State of U.P.*, [(2001) 3 SCC 673], dictate that joint liability cannot be fastened mechanically without establishing a clear factual foundation of shared criminal design and active participation.

Moreover, as emphasized by the Hon'ble Apex Court in *Pepsi Foods Ltd. & Anr. v. Special Judicial Magistrate & Ors.*, [(1998) 5 SCC 749] at paragraph 28 of the report, summoning an accused or taking cognizance is a serious matter and cannot be done in a mechanical, routine manner without active application of judicial mind. Finally, the essential ingredients to satisfy the offence of 'criminal intimidation' under Section 503 IPC for application of the charge under Section 506 IPC, as delineated in *Naresh Aneja @ Naresh Kumar Aneja v. State of Uttar Pradesh & Anr.*, [(2025) 2 SCC 604] (paragraph 13), mandates material to be placed on record in proof of a real threat intended to cause genuine alarm to the person threatened, rather than casual or exaggerated expressions born out of domestic bickering.

- 14.** Examining the facts of the present matter against this robust legal framework, several striking anomalies emerge:

First, the timing and context of the civil and family dispute are unquestionable. The parties are close blood relatives locked in a tussle regarding a No-Objection Certificate for compassionate employment following the death of the common breadwinner, Late Lakhpatri Mandal. The visit by the petitioners to the private residence of the opposite parties was admittedly for this administrative purpose.

Second, the initial invocation of Section 307 IPC (attempt to murder) was judicially considered and set aside by the Learned Trial Court by the order dated September 04, 2023, on a finding that the nature of injuries being simple, did not disclose an intent to murder. The

prosecution cannot indirectly revive the failed charge by superficially inflating the gravity of the dispute.

Third, the foundational narrative—that a group comprising elderly persons, women, and mothers carrying small children arrived with heavy iron rods and wooden sticks to launch a murderous assault, and thereafter waited patiently for police arrival—defies human logic and ordinary prudence, falling squarely within the domain of ‘absurd and inherently improbable allegations’ elucidated under Category 5 of *Bhajan Lal (supra)*.

Fourth, the mechanical invocation of Section 34 IPC against all nine family members lacks specific, individualized attribution of overt acts, running directly counter to the ratio laid down in *Kahkashan Kausar (supra)* and in *Suresh v. State of U.P (supra)*.

Fifth, the entire substratum of the dispute is civil and domestic in character, subsequently weaponized through the criminal machinery to pre-empt legitimate claims over compassionate appointment benefits.

- 15.** When the structural framework of the criminal prosecution is built upon foundations of personal vendetta, misuse of official influence, and patent exaggerations, allowing such a proceeding to drag the petitioners—including female relatives residing in distant states—through the agonizing rigors of a full-blown criminal trial would be a direct negation of justice.

16. Consequently, this Court is of the firm view that the continuation of the criminal proceeding arising out of Durgapur Police Station Case No. 470 of 2021 satisfies the parameters for interference under Section 482 of the Code of Criminal Procedure, as it constitutes a clear abuse of the judicial process.
17. Accordingly, **C.R.R. No. 1632 of 2024** is **allowed**
18. The entire criminal proceeding relating to G.R. Case No. 1666 of 2021 (subsequently numbered as G.R. Case No. 1489 of 23) arising out of Durgapur Police Station Case No. 470 of 2021 dated October 04, 2021, including Sessions Case No. 19 of 2022 pending before the Learned Additional Chief Judicial Magistrate, Durgapur, along with the chargesheet and all consequential orders, stands hereby quashed and set aside qua all the petitioners.
19. Interim orders, if any, stand vacated.
20. There shall be no order as to costs.
21. Let a copy of this judgment be transmitted down to the Learned Trial Court forthwith along with the Trial Court Records.
22. Case diary, be returned to the Learned Counsel for the State.
23. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Uday Kumar, J.)