

Sajal Bose
v.
The State of West Bengal and Ors.

(Criminal Appeal No. 1774 of 2026)

06 April 2026

[Vikram Nath, Sandeep Mehta* and N.V. Anjaria, JJ.]

Issue for Consideration

Issue arose whether the High Court was justified in quashing the proceedings against the two co-accused and declining the similar relief to the remaining accused.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.482 – Bharatiya Nagarik Suraksha Sanhita, 2023 – s.528 – Quashing of FIR – Complaint regarding assault and criminal intimidation – FIR lodged u/ss.143, 341, 323, 324, 504, 506, 509, and 427 IPC – Quashing of proceedings sought – High Court quashed proceedings against two co-accused but denied similar relief to the appellants – Correctness:

Held: Upon cumulative consideration of the allegations in the FIR, the material collected during investigation, and the evidence placed on record, the present case falls where allegations made in the FIR, even if taken at their face value, do not *prima facie* constitute any offence; the uncontroverted allegations and the material collected fail to disclose the commission of an offence; and the criminal proceeding manifestly attended with *malafide* and instituted with an ulterior motive for wreaking vengeance – Even if the allegations in the FIR and the material collected during investigation are taken at their face value and accepted in their entirety, they do not *prima facie* constitute the necessary ingredients of offences alleged against the appellants – Further, the uncontroverted material available on record-CCTV footage, completely belies the allegation of their participation in the alleged offences so as to justify their being put to trial – Attendant circumstances-admitted pre-existing disputes between the parties and the absence of specific and distinct overt acts attributed to the appellants, lend substance to

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their submission that the criminal proceedings manifestly attended with *malafide* and have been initiated with an ulterior motive – Permitting the continuation of prosecution of the appellants would amount to an abuse of the process of law – Compelling appellant Nos. 1, 2 and 3 to face a full-fledged criminal trial would serve no meaningful purpose – Continuation of such proceedings, in face of total lack of credible material connecting them with the alleged offences, would amount to misuse of the criminal process – Where reliable and unimpeachable material demonstrably displaces the factual basis of the accusations and the prosecution is unable to effectively counter the same, the Court would be justified in invoking its inherent jurisdiction to prevent injustice – Such an approach not only accords justice to the accused but also obviates the wastage of precious judicial time on proceedings which, on the admitted material, do not hold a reasonable prospect of culminating in conviction – Impugned judgment and order cannot be sustained in law and is set aside. [Paras 31, 34, 35]

Code of Criminal Procedure, 1973 – s.428 – Bharatiya Nagarik Suraksha Sanhita, 2023 – s.528 – Inherent Jurisdiction of the High Court – Scope and ambit of – Discussed. [Paras 22, 23]

Case Law Cited

State of Haryana v. Bhajan Lal [1990] Supp. 3 SCR 259 : (1992) Supp. 1 SCC 335; *Pradeep Kumar Kesarwani v. State of Uttar Pradesh*, 2025 SCC OnLine SC 1947 – relied on.

List of Acts

Penal Code, 1860; Code of Criminal Procedure, 1973; Bharatiya Nagarik Suraksha Sanhita, 2023; Constitution of India.

List of Keywords

Quashing of proceedings; Assault; Criminal intimidation; Inherent jurisdiction of the High Court; Absence of specific and distinct overt act; Pre-existing dispute; Electronic evidence; CCTV footage; Physical assault; Threat.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 1774 of 2026

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From the Judgment and Order dated 08.03.2024 of the High Court at Calcutta in CRR No. 1476 of 2023.

With

Criminal Appeal No(s). 1775 and 1776 of 2026.

Appearances for Parties

Advs. for the Appellant(s):

Gaurav Agarwal, Sr. Adv., Sandeep Kumar Mahapatra, Ms. Mrinmayee Sahu, Sugam Kumar Jha, Sreedas Kp, Diwakar Maheshwari, Karun Mehta, Shounak Mitra, Ms. Pratiksha Mishra, Shreyash Edupuganti, Ms. Kaarunya Lakshmi, M/s Khaitan & Co.

Advs. for the Respondent(s):

Siddhart Luthra, Sr. Adv., Kunal Chatterji, Ms. Maitrayee Banerjee, Rohit Bansal, Varij Nayan Mishra, Ms. Shraddha Chirania, Kunal Mimani, Ms. Anwesha Saha, Mohd Zahid Hussain, Salim Ansari, Nitish Shani, Vipin Nair, Aditya Narendranath, P B Sashaankh, Haresh Nair, Ms. M.b.ramya, Ms. Deeksha Gupta, Ms. Puspita Basak, Ms. Madhavi Yadav, Ms. Tejasvi Kumar Sharma, Ms. Vanshaja Shukla, Siddhant Yadav.

Judgment / Order of the Supreme Court

Judgment

Mehta, J.

1. Heard.
2. Leave granted.
3. The instant appeals by special leave arise out of common impugned judgment and order dated 8th March, 2024 passed by High Court at Calcutta¹ in Criminal Revision No. 1476 of 2023, filed on behalf of Sajal Bose² and Nabina Bose (Wife of Sajal Bose), and Criminal Revision No. 2305 of 2023 filed on behalf of Chandidas Joardar³,

¹ Hereinafter, being referred to as "High Court".

² Appellant in Criminal Appeal @ Special Leave Petition (Criminal) No. 8672 of 2024. Hereinafter, being referred to as "appellant No.1".

³ Appellant in Criminal Appeal @ Special Leave Petition (Criminal) No. 8721 of 2024. Hereinafter, being referred to as "appellant No.2".

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Sautrik Joardar⁴ (Son of Chandidas Joardar) and Pampa Joardar (Wife of Chandidas Joardar), whereby the said accused persons sought quashing of chargesheet filed under Sections 143, 341, 323, 324, 504, 506, 509, 427 and 354 of the Indian Penal Code, 1860⁵, arising out of FIR No. 150 of 2022 registered at Police Station Survey Park in connection with ACGR No. 4659 of 2022, pending before the learned Additional Chief Judicial Magistrate, South 24 Parganas at Alipore.

4. *Vide* the impugned judgment, the High Court quashed the proceedings insofar as Nabina Bose and Pampa Joardar are concerned. However, it declined to grant similar relief to the remaining accused, namely appellant Nos. 1, 2 and 3⁶, and permitted the proceedings against them to continue.

Brief Facts: -

5. Succinctly stated, the material facts necessary for the adjudication of the present appeals are as follows.
6. On the night of 11th October, 2022 at about 09:20 p.m., Sushil Chakrabarti, respondent No. 2 herein⁷, lodged a written complaint at Police Station Survey Park, alleging *inter alia* that one, Sourav Sen had forcibly entered the apartment building by breaking open the main entrance door, which, according to him, had already been damaged earlier. Upon being questioned as to why the door had been left open, Sourav Sen responded by hurling filthy and objectionable abuses at the complainant and his family members. It was further alleged that his parents soon joined him, thereby exacerbating the situation.
7. The complainant further alleged that when he attempted to lock the door of his flat, as valuables in connection with Lakshmi Puja were kept inside, another altercation ensued concerning a scooter purportedly parked near the electric meter boxes, despite prior instructions of the local police to remove the same. According to the

4 Appellant in Criminal Appeal @ Special Leave Petition (Criminal) No. 9826 of 2024. Hereinafter, being referred to as "appellant No.3".

5 For short, "IPC".

6 Collectively, they are being referred to as "appellants".

7 Hereinafter, being referred to as "Complainant".

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complainant, the situation thereafter escalated and several persons assembled at the spot.

8. It was alleged that, in course of the altercation, the accused persons, manhandled the complainant with an intention to cause injury, including blows directed towards his pacemaker, and also assaulted his family members. It was further alleged that the accused persons slapped and kicked the complainant, threw *sandals* at him, and used a *lathi* during the incident. They were also accused of attempting to forcibly enter the flat with the intention of ransacking it, and of issuing threats of dire consequences. The complainant alleged that appellant No.1 and his wife had extended threats during the incident, which, according to him, would find corroboration from the CCTV footage.
9. The complainant also levelled allegations against appellant Nos. 2 and 3, stating that they came downstairs while the incident was in progress and threatened the complainant and his family members, and insinuated that they should vacate the flat. The complaint also adverted to prior disputes between the parties concerning maintenance charges, alleged misappropriation of gold ornaments, and earlier complaints purportedly lodged before the local police authorities.
10. It was further stated that although a written complaint was submitted on the same night, it was kept in abeyance on the directions of the then duty officer. The complainant thereafter approached the police on 17th October, 2022, seeking lifting of the abeyance order and requested that the complaint be treated as a First Information Report, asserting that the alleged assault could have had fatal consequences. Pursuant thereto, FIR No. 150 of 2022 dated 18th October, 2022, came to be registered at Police Station Survey Park under Sections 143, 341, 323, 324, 504, 506, 509, and 427 of the IPC against 8 accused persons including the appellants.
11. Investigation was undertaken and upon its culmination, Chargesheet No. 135 of 2022 dated 16th December, 2022 came to be filed under Sections 143, 341, 323, 324, 504, 506, 509, 427 and 354 of the IPC against eight accused persons including the appellants herein. The learned Additional Chief Judicial Magistrate, South 24 Parganas at Alipore, took cognizance of the chargesheet and issued summon to all the accused persons, including the appellants.

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12. The complainant filed a protest petition contending that the Investigating Officer had deliberately omitted to invoke Section 307 IPC, in order to save the accused persons though there existed sufficient material on record, to make out a case of attempt to murder.
13. Being aggrieved, appellant No.1 along with Nabina Bose preferred Criminal Revision No. 1476 of 2023 and appellant Nos.2 and 3 along with Pampa Joardar preferred Criminal Revision No. 2305 of 2023 before the High Court, seeking quashing of the proceedings being ACGR No. 4659 of 2022 arising out of FIR No. 150 of 2022 registered at Police Station Survey Park.
14. As noted hereinabove, the High Court, *vide* common impugned judgment and order dated 8th March, 2024 quashed the proceedings insofar as Nabina Bose and Pampa Joardar were concerned. However, it declined to extend similar relief to the remaining accused, i.e., the appellants herein, and permitted the proceedings against them to continue.
15. The correctness and legality of the said common impugned judgment and order passed by the High Court falls for consideration in the present appeals by special leave at the instance of the appellants.
16. At the outset, it may be noted that while issuing notice in the present appeals, this Court had stayed further proceedings in the trial insofar as the appellants are concerned, and the said interim order continued to operate during the pendency of the present proceedings.⁸
17. It is further apposite to note that when the matter came up for hearing before this Court on 3rd February, 2026, we had requested the learned senior counsel appearing on behalf of the appellants as well as the learned senior counsel appearing for the complainant, to explore the possibility of an amicable settlement between the parties. However, when the matter was again taken up on 17th February, 2026, learned senior counsel appearing for the respective parties apprised the Court that the parties were not amenable to an amicable resolution. In view thereof, we proceeded to hear the learned counsel for the parties on merits.

8 Order dated 15th July, 2024 in Special Leave Petition (Criminal) Nos. 8672 and 8721 of 2024 and order dated 22nd July, 2024 in Special Leave Petition (Criminal) No. 9826 of 2024.

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Submissions on behalf of the appellants:

18. Mr. Gaurav Agarwal, learned senior counsel appearing on behalf of the appellants, assailed the impugned judgment of the High Court, *inter alia*, on the following grounds:
 - A. That the High Court failed to appreciate that the proceedings against the appellants were actuated with *mala fide* objective and were maliciously instituted by the complainant with the ulterior motive of wreaking vengeance on account of personal animosity and prior disputes between the parties. It was submitted that the appellants acting as good Samaritans had, in fact, intervened only to resolve the dispute which had flared up between the complainant and another flat owner, and only for that reason, they have been falsely implicated in this case. The initiation and continuation of the proceedings, it was urged, tantamounts to an abuse of the process of law.
 - B. That the allegations in the FIR, even if taken at face value and read in their entirety, do not *prima facie* disclose the commission of any cognizable offence against the appellants. The complaint and the protest petition are replete with vague and general assertions, without any specific attribution of role to the appellants in respect of the offences alleged under Sections 143, 341, 323, 324, 504, 506, 509, 427 and 354 of the IPC. In the absence of clear particulars regarding the overt acts attributable to the particular accused, the continuation of criminal proceedings is legally unsustainable.
 - C. That the High Court failed to duly consider the specific submission advanced on behalf of the appellants that the CCTV footage of the place of occurrence, which formed part of the material collected during investigation, clearly demonstrated that the appellants were not present at the spot at the time when the alleged altercation is stated to have taken place. They reached the scene later and tried to pacify the parties at best. It was contended that the said electronic evidence, being the best and unimpeachable piece of independent evidence available on record, completely belies the allegations of their participation in the incident. Despite this, the Investigating Agency proceeded to file the chargesheet in a mechanical manner without undertaking a proper and fair evaluation of the CCTV footage, which was

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heavily relied upon by the complainant himself. It was urged that the High Court, while declining to quash the proceedings, failed to examine this crucial aspect, and thereby overlooked material which goes to the very root of the prosecution case against the appellants, thereby totally undermining its credibility.

- D. That the High Court erred in not extending the benefit to the appellants while quashing the proceedings against similarly placed co-accused persons, despite the allegations against all being identical. It was contended that the differential treatment accorded by the High Court, without assigning cogent reasons, violates the principle of parity and renders the impugned decision arbitrary.
- E. That the reliance placed on the statement of Dr. Aparajita Bandyopadhyay recorded under Section 164 Code of Criminal Procedure, 1973⁹, was misplaced, as the said statement was inconsistent with her earlier statement recorded under Section 161 of CrPC, thereby casting serious doubt on its reliability. It was further submitted that even as per the said statement, the allegation of inappropriate touching was attributed to another individual, and not specifically to the present appellants. Consequently, the invocation of Section 354 IPC against them is wholly untenable, particularly when the original complaint is silent in that regard.
- F. That the chargesheet itself is liable to be quashed, as it has been filed in a mechanical and perfunctory manner, without specifying the precise role played by the appellants or the material evidence constituting the alleged offences. It was urged that the chargesheet does not clearly delineate the particular criminal act/s attributable to the accused, in contravention of the settled legal position that the role of each accused must be separately and clearly mentioned as the provisions of vicarious liability would have no application in the given facts and circumstances.
- G. That the High Court failed to appreciate that the continuation of criminal proceedings against the appellants would amount to

9 For short, "CrPC".

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a sheer abuse of the process of law, inasmuch as the dispute between the parties is essentially of civil nature arising out of disagreements between co-residents of the same apartment complex. It was submitted that the allegations, even if accepted at their face value, disclose at best a trivial tussle between neighbours lacking the essential ingredients of the serious penal offences invoked in the chargesheet. The invocation of multiple penal provisions, including Section 354 IPC, in the absence of specific and substantiated allegations, reflects a manifest attempt to give criminal colour to a trivial dispute followed by verbal altercation amongst neighbours. In such circumstances, compelling the appellants to undergo the rigours of a criminal trial would be wholly unjustified and contrary to the settled principles governing the exercise of jurisdiction under Section 482 CrPC (Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023) to prevent misuse of the criminal process.

On the aforesaid grounds, learned senior counsel submitted that the impugned judgment of the High Court, insofar as it refused to quash the proceedings against the appellants, is unsustainable in law. It was urged that the allegations are vague, unsupported by specific material, and the continued prosecution of the appellants tantamounts to a gross abuse of the process of law. Accordingly, it was prayed that this Court be pleased to set aside the impugned judgment to that extent and quash the criminal proceedings being ACGR No. 4659 of 2022 and Chargesheet No. 135 of 2022 arising out of FIR No. 150 of 2022 registered at Police Station Survey Park *qua* the appellants.

Submissions on behalf of Complainant (respondent No.2):

19. Mr. Siddharth Luthra, learned senior counsel appearing on behalf of respondent-complainant, supported the impugned judgment and contended that the same warrants no interference by this Court, *inter alia*, on the following grounds: -
 - A. That the High Court has exercised its jurisdiction judiciously and upon a proper appreciation of the material collected during investigation, and rightly refused to quash the chargesheet insofar as the appellants are concerned. It was submitted that the instant appeals do not raise any substantial questions of

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law, nor does it demonstrate any perversity or patent illegality in the impugned judgment so as to warrant interference.

- B. That the complainant is a 77 years' old former Public Prosecutor at District and Sessions Judge, Alipore and presently a practicing advocate, suffering from syncope and having a pacemaker installed in his chest. It was submitted that on 11th October, 2022 at about 9:20 p.m., all the accused persons formed an unlawful assembly and, in furtherance of the common object of such assembly, they abused and assaulted the complainant and his family members at Flat No. 2, Ground Floor, 13/10/1, Janata Road, Kanishka Apartment with slaps, kicks, *sandals* and *lathis*. The accused persons also damaged the main door of the apartment complex and threatened them with dire consequences.
- C. That the statement of witness, Dr. Aparajita Bandopadhyay recorded under Section 164 of CrPC specifically mentions the names of the appellants setting out the overt acts attributed to them, including restraining the complainant, throwing *chappal* aimed at his pacemaker, igniting a lighter allegedly to burn him, and participating in the assault. These specific allegations, it was urged, clearly disclose the ingredients of offences under Sections 143, 341, 323, 324, 504, 506 and 354 IPC, thereby making out a *prima facie* case fit for trial.
- D. That during investigation, the CCTV footage of the entire incident dated 11th October, 2022 was collected and the same forms part of the chargesheet. The CCTV clipping establishes conclusively the active involvement and participation of the appellants in hurling abuses, issuing threats, throwing a shoe aimed at the pacemaker of the complainant, and assaulting the victim lady. It was contended that the electronic evidence thus corroborates the ocular version and lends strong *prima facie* support to the prosecution case.
- E. That the medical records of the complainant and Dr. Aparajita Bandopadhyay dated 12th October, 2022 *prima facie* establish that both sustained injuries in the incident. The High Court itself observed that the medical report of Dr. Aparajita Bandopadhyay shows that she had been assaulted. In view of such medical evidence, the offences under Sections 323 and 324 IPC are clearly attracted and cannot be said to be groundless.

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- F. That although the High Court quashed the proceedings against certain co-accused for want of specific allegations, it consciously declined to extend such relief to the appellants in view of the distinct and specific role attributed to them in the FIR, the protest petition and the statements of witnesses recorded under Sections 161 and 164 of CrPC. Such segregation made by the High Court is based on material on record and sound reasoning and, therefore, does not call for interference.

On these grounds, learned senior counsel submitted that the impugned judgment of the High Court is well-founded in law as well as facts, and that the present appeals, being devoid of merit, deserve to be dismissed, leaving the issues to be adjudicated after a full dressed trial.

Submissions on behalf of State of West Bengal (respondent No.1):

20. The learned counsel appearing on behalf of the State of West Bengal submitted that the investigation was conducted strictly in accordance with law and that specific and clear roles have been attributed to the appellants in the commission of the alleged offences. It was contended that the complainant had consistently named the accused persons including the appellants in the FIR and in his statements recorded under Sections 161 and 164 of CrPC. The CCTV footage seized during investigation, along with medical records and other documentary material, *prima facie* establishes their presence and participation in the occurrence in question. It was further urged that the chargesheet was filed only upon due consideration of the evidence collected, disclosing cognizable offences, and that the questions sought to be raised by the appellants revolve around disputed factual aspects which can be adjudicated only upon trial. The State, therefore, supported the impugned judgment of the High Court to the extent it declined to quash the proceedings against the appellants and submitted that no case for interference under Article 136 of the Constitution of India is made out.

Analysis and Discussion:

21. We have heard and considered the submissions advanced by learned counsel for the parties and have carefully gone through the impugned judgment as well as the material placed on record.

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22. Before we advert to the rival submissions advanced on behalf of the parties and examine the factual matrix of the present case, it would be apposite to briefly recapitulate the scope and ambit of the inherent jurisdiction vested in the High Court under Section 482 of CrPC (Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023). The parameters governing the exercise of such power, particularly in matters concerning quashing of criminal proceedings, have been authoritatively expounded by this Court in a catena of decisions, most notably in ***State of Haryana v. Bhajan Lal***¹⁰, wherein this Court elaborately considered the extent and scope of the High Court's powers under Section 482 of CrPC and Article 226 of the Constitution of India. In **paragraph 102** of the said judgment, this Court illustratively delineated seven categories of cases wherein such extraordinary jurisdiction may be invoked to prevent abuse of the process of law or otherwise to secure the ends of justice. For ready reference, the relevant extract from the said judgment is reproduced hereinbelow: -

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

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(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint 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.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

[Emphasis supplied]

23. Keeping in view the aforesaid principles, it is evident that the inherent jurisdiction of the High Court under Section 482 of CrPC is intended to be exercised, *inter alia*, where the allegations made in the FIR, even

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if taken at their face value, do not *prima facie* constitute any offence, or where the uncontroverted allegations and the material collected fail to disclose the commission of an offence, or where the criminal proceeding is manifestly attended with *malafide* and instituted with an ulterior motive for wreaking vengeance. The categories illustratively enumerated in **paragraph 102 of Bhajan Lal (supra)** serve as guiding principles to prevent abuse of the process of law and to secure the ends of justice. Tested on the anvil of these settled parameters, it becomes necessary to examine whether the allegations in the present case, read as they stand along with the material on record including the CCTV footage, disclose the essential ingredients of the offences alleged against the appellants, or whether the continuation of proceedings *qua* them would amount to permitting the criminal process to be used as an instrument of harassment.

24. A perusal of the impugned FIR dated 18th October, 2022 and the material placed on record, reveals that the incident has its genesis in a dispute between the complainant and one Sourav Sen concerning the main entrance of the apartment complex and the alleged parking of a scooter near the electric meter boxes. It is alleged that, upon being questioned in this regard by the complainant, Sourav Sen began hurling abuses and that his parents soon joined in, following which the situation escalated and several persons assembled at the spot. The FIR further narrates allegations of assault by accused persons, including slapping, kicking, throwing *sandals*, use of a *lathi*, and attempts to forcibly enter the flat, coupled with threats of dire consequences. It must, however, be noted that the FIR does not clearly specify as to which particular accused person actually assaulted the complainant and his wife. The allegations of physical assault are couched in vague terms without distinct attribution of specific overt acts to individual accused persons.
25. Insofar as the appellants are concerned, the FIR records that they came downstairs during the course of the incident and allegedly extended threats to the complainant and his family members, including asking them to vacate the flat. The gravamen of the allegations against them, as reflected in the FIR, is thus predicated on assertions of intimidation and verbal threats purportedly issued during the altercation. Significantly, the FIR does not attribute to the appellants any specific overt act of physical assault, use of force, or of causing injury.

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26. During the course of hearing, learned senior counsel appearing for both sides placed considerable reliance upon the CCTV footage of the incident in support of their respective submissions. At their request, the relevant footage, forming part of the material collected during investigation, was viewed by us. Since both sides sought to draw inferences from the electronic record, we deemed it appropriate to minutely appreciate the footage firsthand.
27. Upon a careful and comprehensive examination of the said footage, it emerges that the appellants are not visible at the scene during the relevant time when the alleged acts of assault are stated to have taken place. The recording indicates that the altercation between the complainant and certain other individuals had already taken place prior to the arrival of the appellants at the scene. The footage further demonstrates that the appellants appear only subsequently and are not shown to be engaging in any act of aggression or participating in the active altercation. On the contrary, the visual recording indicates that the appellants made efforts to placate the situation and to dissuade the participants from further escalation of the dispute. The gestures attributed to the appellants are demonstrative of restraint rather than of participation in any act of violence. At no point does the footage depict the appellants committing any overt act of assault or aggression against the complainant or his wife. The absence of even the slightest visible act of assault attributable to the appellants in the CCTV footage assumes particular significance in view of their contention that the allegations in the FIR were manifestly attended with *malafide* and that their names were vindictively introduced in the FIR by the complainant with an ulterior motive arising out of prior personal disputes and animosity. The CCTV footage admitted by the parties and forming a part of the report under Section 173(2) of CrPC, therefore, materially undermines the prosecution's case and renders the allegations against the appellants highly doubtful and unworthy of credence even at the stage of quashing petition.
28. In our considered opinion, the specific plea raised by the appellants in their petition seeking quashing of the proceedings, particularly with regard to the CCTV footage forming part of the chargesheet, merited due and independent consideration by the High Court. The said electronic evidence constituted a material piece of evidence collected during investigation and was directly relevant to the issue as to whether a *prima facie* case was made out against the appellants.

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However, a perusal of the impugned judgment does not reflect any meaningful analysis of the said footage or the contentions advanced on the basis thereof. The omission to advert to and evaluate this crucial aspect indicates that the matter was not examined with the degree of scrutiny warranted in proceedings under Section 482 of CrPC.

29. We are further constrained to note that by the very same impugned judgment, and on the basis of the same set of allegations arising out of the same FIR and chargesheet, the High Court proceeded to quash the criminal proceedings against two of the co-accused, while declining similar relief to the appellants. The impugned judgment does not disclose any cogent or discernible reasoning for drawing such a distinction, particularly when the allegations stem from a common incident and are founded on substantially similar assertions. In the absence of a clear rationale justifying differential treatment, the approach adopted by the High Court is legally and factually unsustainable.
30. It is further relevant to note that Dr. Aparajita Bandopadhyay (family member of the complainant), in her statement recorded under Section 164 CrPC, has also made omnibus allegations of assault without assigning specific roles to the accused persons. Though it is stated therein that appellant No. 2 had ignited a lighter with the intention to burn her father, the said allegation stands completely dislodged by the CCTV footage, wherein no such act is discernible. Apart from the said assertion, no distinct overt act has been attributed to any of the appellants before us. In our view, reliance placed on the said statement, in the absence of corroborative material and in the face of contrary electronic evidence collected during investigation, is wholly misplaced. Rather than strengthening the case of the complainant, the said statement fortifies the submission of the appellants that the complaint is replete with vague and generalized allegations lacking specific attribution.
31. In view of the foregoing discussion and upon a cumulative consideration of the allegations in the FIR, the material collected during investigation, and the evidence placed before us, we are of the considered opinion that the present case falls squarely within the illustrative categories (1), (3) and (7) enumerated in paragraph 102 of **Bhajan Lal (supra)**. Even if the allegations in the FIR and the

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material collected during investigation are taken at their face value and accepted in their entirety, they do not *prima facie* constitute the necessary ingredients of offences alleged against the appellants. Further, the uncontroverted material available on record, to be specific, the CCTV footage, completely belies the allegation of their participation in the alleged offences so as to justify their being put to trial. Additionally, the attendant circumstances, particularly the admitted pre-existing disputes between the parties and the absence of specific and distinct overt acts attributed to the appellants, lend substance to their contention that the criminal proceedings are manifestly attended with *malafide* and have been initiated with an ulterior motive. In such circumstances, permitting the continuation of prosecution of the appellants would not advance the cause of justice but would instead amount to an abuse of the process of law.

32. Recently, this Court in ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh***¹¹, revisited and further elucidated the parameters governing the exercise of inherent jurisdiction under Section 482 of CrPC. While drawing guidance from earlier precedents, this Court delineated a structured four-step test to assess the sustainability of a prayer for quashing criminal proceedings. The said decision underscores that where the material relied upon by the accused is of sterling and impeccable quality; is sufficient to negate the allegations in the complaint; remains unrefuted or incapable of justifiable refutation by the prosecution; and where continuation of the proceedings would amount to an abuse of the process of Court and not serve the ends of justice, the High Court would be justified in exercising its inherent powers to quash the proceedings. For ready reference, the relevant observations from the said judgment are reproduced hereinbelow: -

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.: —

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

¹¹ 2025 SCC OnLine SC 1947.

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(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: **Rajiv Thapar v. Madan Lal Kapoor** (Criminal Appeal No. 174 of 2013)]”

[Emphasis supplied]

33. Applying the aforesaid ratio to the case at hand, we find that the material relied upon by the appellants in the present case, particularly the CCTV footage forming part of the chargesheet, is of unimpeachable provenance and reliability, having been collected during investigation and forming part of prosecution’s own record. The footage, which was heavily relied upon by both the sides during the course of arguments, upon careful scrutiny, does not depict the appellants participating in any act of assault or overt aggression, thereby substantially dislodging the factual foundation of the allegations against them. The said material stands unrefuted in any meaningful manner and is of such character that it cannot be lightly brushed aside even at

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the stage when the Court is considering a prayer for quashing the proceedings of the criminal case at its inception.

34. In this backdrop, compelling appellant Nos. 1, 2 and 3 to face a full-fledged criminal trial would serve no meaningful purpose. The continuation of such proceedings, in face of total lack of credible material connecting them with the alleged offences, would amount to misuse of the criminal process. The present case, therefore, satisfies each of the parameters delineated in ***Pradeep Kumar Kesarwani (supra)***. Where reliable and unimpeachable material demonstrably displaces the factual basis of the accusations and the prosecution is unable to effectively counter the same, the Court would be justified in invoking its inherent jurisdiction to prevent injustice. Such an approach not only accords justice to the accused but also obviates the wastage of precious judicial time on proceedings which, on the admitted material, do not hold a reasonable prospect of culminating in conviction.
35. As a sequitur to the foregoing discussion, we are of the considered opinion that the impugned judgment and order dated 8th March, 2024 passed by the High Court cannot be sustained in law and the same deserves to be and is hereby set aside. The appeals preferred by appellant Nos. 1, 2 and 3 are accordingly allowed.
36. Consequently, Charge Sheet No. 135 of 2022, filed under Sections 143, 341, 323, 324, 504, 506, 509, 427 and 354 of the Indian Penal Code, 1860, arising out of FIR No. 150 of 2022 registered at Police Station Survey Park and pending in ACGR No. 4659 of 2022 before the learned Additional Chief Judicial Magistrate, South 24 Parganas at Alipore, insofar as it relates to appellant Nos. 1, 2 and 3, stand quashed.
37. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals allowed.