

(2023) 09 CAL CK 0044
In the Calcutta High Court
Case No : Criminal Revision No. 3081 Of 2019

Ronita Halder Alias Ranita Halder

APPELLANT

Vs

State Of West Bengal & Anr

RESPONDENT

Date of Decision : 15-09-2023

Acts Referred:

Indian Penal Code, 1860 — Section 323, 325, 341, 379, 506

Citation : (2023) 09 CAL CK 0044

Hon'ble Judges : Shampa Dutt (Paul), J

Bench : Single Bench

Advocate : Jayanta Narayan Chatterjee, Debashis Banerjee, Nandini Chatterjee, Jayashree Patra, Ranesh Jana, Rita Datta, Rit Banerjee

Final Decision : Disposed Of

Judgement

Shampa Dutt (Paul), J

1. The present revision has been preferred praying for setting aside of the order dated 16.08.2017 passed by the Learned Chief Judicial Magistrate at Howrah and order dated 03.08.2018 passed by the Learned Judicial Magistrate, Municipal Court, Howrah in G.R. No. 3102 and praying for quashing of the Charge Sheet being No. 516/17 dated 24.06.2017 and all proceedings in connection with Domjur P.S. Case No. 427/17 dated 23.05.2017 pertaining to G.R. No. 3102 of 2017 under Sections 341/323/506 of the Indian Penal Code pending before the Learned Judicial Magistrate, Municipal Court at Howrah (Sadar).

2. The petitioner's case is that the petitioner is an Assistant Teacher of Kolorah Haji Abdul Waheb Institution and the Opposite Party No. 2 is also an Assistant Teacher of the said School and is thus a colleague of the petitioner.

3. The petitioner has been arraigned as an accused person in connection with Domjur Police Station Case No. 427/2017 dated 23.05.2017 pertaining to G.R. No. 3102 of 2017, at the instance of the Opposite Party No. 2 herein, for alleged commission of offences punishable under Sections 341/323/379/506 of the

Indian Penal Code.

4. The allegation in the aforesaid written complaint dated 23.05.2017 by the Opposite Party No. 2/de facto complainant, is that on 17.05.2017 at about 16.25 pm, the petitioner allegedly abused the Opposite Party No. 2 in filthy language, threatened and assaulted her and also snatched away valuable documents/papers from the Opposite Party No. 2.

5. The Petitioner states that no prima facie case whatsoever had been made out by the Opposite Party No. 2 in her complaint dated 23.05.2017 as submitted before the Domjur Police Station that required registration of an FIR and investigation. Moreover, since the officer of the Domjur Police Station was already investigating into the complaint lodged by the petitioner against the Opposite Party No. 2 being Domjur Police Station Case No. 370/2017 dated 04.05.2017 under Sections 341/325/506 of the Indian Penal Code.

6. That in her complaint against the Opposite Party No. 2 as submitted before the Domjur Police Station on 04.05.2017 the petitioner had narrated in detail that on 03.05.2017 at about 11.30 am, the Opposite Party No. 2, within the School premises and inside the Teachers' Room of the School and also in the presence of all the Teachers and Staffs of the School, brutally assaulted the petitioner on her eye and on her head with fists and blows and also with a stick. The petitioner was severely injured and had to be treated at M. R. Bangur Hospital. The petitioner had submitted the supporting medical documents to such effect and on the basis of such complaint by the petitioner the aforesaid criminal proceeding was initiated by the Domjur Police Station being FIR No. 360/17 dated 04.05.2017 as against the Opposite Party herein for commission of offences punishable under Sections 341/325/506 of the Indian Penal Code.

7. It is further stated that after lodging of the aforesaid complaint against the Opposite Party No. 2, she had threatened the petitioner to withdraw the same or she would falsely arraign the petitioner in a criminal case and since the petitioner refused to withdraw her complaint, as a retaliation and in a vindictive manner, the Opposite Party No. 2 has lodged the aforesaid complaint dated 23.05.2017 with the sole and mala fide intention to harass the petitioner and to put undue pressure on her for lodging the complaint against her.

8. Mr. Jayanta Narayan Chatterjee, learned counsel for the petitioner has submitted that it is apparent as would prima facie appear from the impugned complaint lodged by the Opposite Party No. 2 on 23.05.2017, that the same was absolutely false, pretentious, dishonest, deceitful and was deliberately misleading as the Opposite Party No. 2 alleged that her important documents were snatched away without providing any description of any such document in her complaint and furthermore, without revealing the same during the course of investigation which is the reason why Section 379 is not mentioned in the impugned Chargesheet, though the same appeared in the impugned FIR.

9. It is further submitted that the investigating agency has submitted the

impugned Charge Sheet against the petitioner in connection with the instant case under Sections 341/323/506 of the Indian Penal Code.

10. It is also stated that the instant criminal proceeding is manifestly attended with mala fide and/or maliciously instituted with an ulterior motive for wreaking vengeance on the petitioner and with a view to spite her due to private grudge.

11. It is finally submitted that in view of the guidelines of the Hon'ble Apex Court of India, especially and more specifically as laid down in the landmark judgment of Bhajanlal's (State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335) case, the instant criminal proceeding is thus liable to be quashed.

12. Ms. Rita Datta, learned counsel for the State has placed the case diary.

13. Mr. Rit Banerjee, learned counsel for the opposite party no. 2 has submitted that the petitioner has also filed a case against the opposite party no. 2, being Domjur Police Station Case No. 370/2017 dated 04.05.2017 under Sections 341/325/506 of the Indian Penal Code.

14. From the materials on record including the case diary it appears that:-

i) Both the parties are teachers and colleagues in the same school.

ii) There is a case and a counter case.

iii) The District Inspector of Schools, Secondary Education, Howrah, vide memo no. 337/A/M dated 28.06.2018 considered the dispute between the parties and has advised as follows:-

"Ranita Halder and Champa Biswas both are present in the hearing taken on 27.06.2018 in the chamber of District Inspector of Schools (Secondary Education), Howrah. After listening their matter carefully it is advised to both of them to settle the matter mutually for the sake of students as well as the school. As they are in a noble profession they are also advised to maintain the dignity of their profession.

Sd/-

District Inspector of Schools

Secondary Education, Howrah"

15. Considering the said materials on record, the nature of allegation and the case diary, the present revision is disposed of with the direction that the learned Magistrate shall refer the parties for Mediation, to the respective District Legal Services Authority for effecting a settlement in the case and counter case. The interference of this Court in such circumstance would be against the interest of justice.

16. The revisional application being CRR 3081 of 2019 is accordingly disposed of.

17. All connected applications, if any, stands disposed of.

18. Interim order, if any, stands vacated.

19. Copy of this judgment be sent to the learned Trial Court for necessary compliance.

20. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.