
(2025) 09 CAL CK 0721
In the Calcutta High Court, Appellate Side
Case No : C.R.R. 1657 of 2025

XXX

APPELLANT

Vs

State of West Bengal and Anr

RESPONDENT

Date of Decision : 09-09-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164

Citation : (2025) 09 CAL CK 0721

Hon'ble Judges : Debangsu Basak, J

Bench : Single Bench

Advocate : Sanjib Das, Debasish Roy, Saryati Dutta, Yasar Amman Ismail, Amanul Islam, Sourav Mukherjee

Final Decision : Dismissed

Judgement

Debangsu Basak, J

1. Petitioner seeks quashing of a criminal complaint.
2. Learned advocate appearing for the petitioner submits that there are civil disputes between the private parties. There are two criminal cases pending. There is one partition suit pending between the private parties.
3. Learned advocate appearing for the petitioner submits that the present criminal complaint was lodged by the private opposite party to falsely implicate the petitioner. He draws the attention of the Court to the charge sheet as also the materials which the police collected during investigation. He submits that commission of criminal offence by the petitioner is not borne out from such materials.
4. State and the private opposite party are represented.
5. I perused the case diary. Case diary contains an injury report. Injury report shows that the defacto complainant suffered simple injury. Defacto complainant recorded a statement under Section 164 of the Cr.P.C. implicating the petitioner

in an assault and attempt to rape.

6. Defacto complainant also refused to undergo medico-legal examination.

7. Simpliciter on the ground that the defacto complainant refused to undergo medico-legal examination, it cannot be said that the prosecution will not be able to prove a case of attempt to rape or of the assault on the defacto complainant.

8. At this stage, I am not called upon to hold a mini trial. Suffice to say that materials on record in the case diary are such that it would be prudent to leave it to the discretion of the Jurisdictional Court with regard to the framing of charges as against the petitioner herein.

9. In view of the discussions above, I find no merit in the present revisional application.

10. C.R.R. 1657 of 2025 is dismissed.