



Complaint Case No. 907 of 2025

Order dated 17.02.2026

Today is fixed for passing of necessary order.

The complainant has filed hazira.

One enquiry report has come from the Howrah PS.

Heard the Ld. Advocate for the complainant.

Now, the record is taken up for passing of necessary order on perusal of the whole record along with the SA of the complainant and enquiry report.

The complainant in the written complain, it has been submitted that Accused No. 1, his wife, is insecure, superstitious, and believes in black magic. Due to her recklessness, she allegedly misappropriated all family ornaments and falsely imagined being tortured by family members. Accused No. 2 is the complainant's elder daughter, married to Accused No. 3. Accused No. 3 allegedly ran a chit fund and cheated many people in the Kadamtala, Howrah area, with multiple criminal cases pending against both Accused No. 2 and 3. Because of their illegal activities, the complainant and his son have distanced themselves and effectively excommunicated them from the family. Accused No. 2 allegedly influenced Accused No. 1 to extract money from the complainant to meet the demands of Accused No. 3. The complainant claims he has already paid large sums and suffered due to their actions. On 26/11/2025 at 8:30 AM, Accused No. 1 allegedly prevented the complainant from entering his bedroom to take medicine, locked the door, verbally abused him, and called Accused No. 2 and 3. They arrived shortly after, verbally abused him, and Accused No. 3 allegedly slapped him and demanded Rs. 25,00,000 and ownership of a marriage hall. Accused No. 1 and 2 allegedly threw his medicines out, damaged household items (including a mobile phone), and instigated him to commit suicide. Witnesses intervened and rescued him. Taking advantage of his condition, Accused No. 1 went to the police station first. When the complainant later approached the police, they refused to register his complaint and advised settlement. He then submitted a written complaint to the Commissioner of Police, Howrah City on 27/11/2025. Since 26/11/2025, no police action has been taken, and the accused continue to mentally harass the elderly complainant, causing severe anxiety. The complainant alleges offences under Sections 115(2), 126(2), 324(2), and 351(2) BNSS and states that the complaint is made in good faith for justice.

The statement of the complainant namely, Prabir Kumar Dey S/o Late Anil Kumar Dey on oath under section 223 of BNSS, 2023 was recorded on 12.12.2025. He stated

that she has filed this case against his wife Dola Dey @ Banani Dey, his daughter Poulami Chatterjee and his son in law Sourav Chatterjee. His wife is a strong believer of black magic and always under suspicion that everyone is plotting against her to cause some wrong to her. Due to that he is under huge mental stress and physical distress as during the different black magic rituals deep dark smoke is created and he always feel suffocated by the same. She also keep on playing utensils throughout the night, so that he could not sleep properly. She has given all of our gold ornaments to a Tantrik and a criminal case has been initiated in the Howrah PS regarding that incident. On 26.11.2025 at around 8.30 a.m., he was going into his bed room to change his clothing, but suddenly his wife pushed him into his room and locked him from outside and throw away all his medicines and mobile phone and also called his daughter and son in law. After his daughter and son in law came to his house, they insisted of giving Rs. 25 lakh along with their respective shares in the property, so that they can get away from the fraud case, they are involved in. He have constantly helped his daughter and his grand child but he could not give Rs. 25 lakh to them to settle their case and due to that they continuously torturing him. After that they started abusing him in filthy language and cursed him to die as fast as possible.

The enquiry report reflects that in course of enquiry, it came to light that the accused Dola Dey @ Banani Dey got married with the complainant namely Prabir Kumar Dey (72y) s/o Lt. Anil Kumar Dey a long years ago. Subhajit Dey and Riya Kanrar Dey are respectably the son and daughter-in-law of the complainant and the accused. The above noted four persons live in a building but in a separated manner. It also came to know from the local sources that Dola Dey @ Banani Dey have mental condition which results in psychological differences among the family members and also creates dispute in family. Although they stay separately in same floor, Dola Dey often creates problems regarding cooking and many other malpractices which creates an unhealthy environment in the house which may affect the other family members. It also came to know that those misdeeds were done under the influence of her daughters and son-in-law namely 1)Poulomi Chatterjee, 2)Sourav Chatterjee. The accused Dola Dey @ Banani Dey as the wife of the complainant demanded huge money for living and also threaten to draw him to Police Station unnecessarily if not paid the demanded amount. All the informations were gathered from the local people but they are unwilling to disclose their identities. It also came to know that other independent enquiries were also launched and enquires were done more than one time by other enquiry officers.

Upon careful analysis of the written complaint, the sworn statement of the complainant under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the enquiry report, it appears that the dispute between the parties primarily arises out of

matrimonial discord between the complainant and his family including his wife, daughter, son and their spouses.

The allegations made by the complainant are largely general, omnibus, and unsubstantiated by independent evidence. The claims regarding superstition, black magic, and misappropriation of ornaments are based on personal apprehensions and have not been supported by any cogent material on record. No documentary evidence or specific details have been produced to substantiate such serious allegations. With regard to the alleged incident dated 26.11.2025, the version put forward by the complainant remains uncorroborated. No independent witness has been examined in support of the alleged wrongful confinement, assault, or damage to property. There is also no medical document or injury report to prima facie establish the allegation of physical assault. It further transpires from the materials on record that there exists long-standing family discord, including disputes relating to money and property. The allegation regarding demand of Rs. 25,00,000/- and share in property appears to be intrinsically connected with such domestic and financial disputes, which cannot, in the absence of specific and credible evidence, be given a criminal colour.

The enquiry report also suggests that the accused No. 1 is suffering from certain mental health issues, which may be contributing to behavioural irregularities and disputes within the household. This aspect indicates that the matter requires a more sensitive and appropriate approach, rather than invocation of criminal jurisdiction at this stage. The materials disclose that there are counter-allegations and prior approaches to the police, which indicate that the dispute is not unilateral. In such circumstances, and in the absence of clear and specific evidence, it would not be proper to proceed against the accused persons.

On a careful consideration of the entire materials, this Court finds that the essential ingredients of the alleged offences are not prima facie made out. The allegations remain uncorroborated and appear to stem from personal and familial discord.

In order to take cognizance under 115(2), 126(2), 324(2), and 351(2) BNSS of the Bharatiya Nyaya Sanhita, there must be specific, clear and prima facie material showing commission of the essential ingredients of those offences. In the present case, there is no material to suggest any act amounting to assault, criminal intimidation, wrongful confinement etc. supported by entrustment and are done by the accused persons. Moreover, the core dispute appears to be matrimonial in nature and this court is certain that there is enough family drama between the family members of the complainant.

In light of the above mentioned discussion, no prima facie materials on record disclose commission of any crime under any penal provision under Sections 115(2),

126(2), 324(2), and 351(2) of the Bharatiya Nyaya Sanhita, 2023. Therefore, this court found no reason to issue summon but to dismiss this case.

Accordingly, the complaint case is dismissed under Section 227 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), as no cognizance of the alleged offences can be taken on the basis of the materials placed before this Court.

Note in concern register.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

Disha Barai

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah