

17.07.2026
Sl. No.11
Ct. No.237
S.A.

CRR 1683 of 2026

Shadab Ahmed

-vs-

The State of West Bengal & Anr.

Mr. Amitava Bhowmik

...for the petitioner

Mr. Kallol Mondal

Mr. Subir Ganguly

Mr. Sandeep Prasad Shaw

...for the State

By filing the present revisional application, the petitioner seeks quashing of Charge Sheet No. 145 of 2024 dated July 31, 2024, filed under Sections 447, 427 and 506 of the Indian Penal Code, 1860, which is presently pending before the Court of the Learned Judicial Magistrate, 2nd Court at Barasat.

It appears that Opposite Party No. 2 filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 before the Court of the Learned Chief Judicial Magistrate at Barasat, alleging, inter alia, that she was carrying on an overseas education consultancy business from a commercial premises owned by the petitioner under a leave and licence agreement. According to the complaint, after renewal of the licence, frequent police raids in the building due to the activities of certain call centres adversely affected her business and goodwill. Despite repeated requests, the petitioner allegedly failed to ensure a peaceful business environment and instead threatened her with dire consequences if she continued to raise such grievances. It was further alleged that on 23 March 2024, while the office remained locked and the keys were in her exclusive possession, certain persons allegedly acting at the instance of the

petitioner broke open the padlock, trespassed into the premises, ransacked the office, removed computers, laptops, printers, cash, business records and other valuable articles, and caused substantial financial loss. The complainant also alleged that during the said incident the petitioner, who was abroad, threatened her over a WhatsApp call with serious consequences, including physical assault upon her husband and sexual violence against her. According to the complaint, despite lodging written complaints before the police authorities, no action was initially taken. On the basis of these allegations, she prayed for a direction under Section 156(3) CrPC for registration of an FIR and investigation into offences punishable under Sections 379, 454, 420, 386, 406, 506, 120B and 34 of the Indian Penal Code.

Pursuant to an order passed by the Learned Magistrate, an FIR was registered under Sections 379, 454, 420, 386, 406, 506, 120B and 34 of the Indian Penal Code, 1860 against the petitioner and four other accused persons.

It appears that, upon completion of the investigation, the Investigating Officer submitted a charge sheet only against the petitioner under Sections 447, 427 and 506 of the Indian Penal Code, 1860. No charge sheet was filed against the remaining accused persons. It further appears that, during the course of investigation, Opposite Party No. 2 acknowledged that the other accused persons had been mistakenly impleaded in the complaint. Consequently, the Investigating Officer excluded their names and submitted the charge sheet solely against the petitioner.

A bare perusal of the charge sheet and the materials available on record reveals that it is an admitted position that, on the date of the alleged incident, the petitioner was in Malaysia.

The only allegation against the petitioner, as reflected in the charge sheet, is that he allegedly intimidated Opposite Party No. 2 over a WhatsApp call, while certain unidentified persons broke open the padlock of the office premises and ransacked the office, including the computers and other important documents kept therein.

In my considered view, when no charge sheet has been submitted against any of the persons who allegedly trespassed into the premises or caused the alleged damage, and when the petitioner was admittedly outside the country on the date of the alleged occurrence, the ingredients of the offences punishable under Sections 447 and 427 of the Indian Penal Code, 1860 are not made out against him.

Accordingly, the present revisional application is disposed of by setting aside the charge sheet in so far as it relates to the offences punishable under Sections 447 and 427 of the Indian Penal Code, 1860.

The Learned Magistrate in the Court below shall, however, proceed with the case in respect of the offence punishable under Section 506 of the Indian Penal Code, 1860 in accordance with law.

Accordingly, **CRR 1683 of 2026** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)