

15.07.2026
Sl. 5
AMR
Ct.No. 237

CRR 4034 of 2025

**Tarun Kumar Tiwari & Anr.
Vs.
The State of West Bengal & Anr.**

Mr. Anirban Dutta
Mr. Abhinav Rakshit
Ms. Atrayee Chatterjee

... for the Petitioners

Mr. Akash Ganguly
Mr. Abhishek Mukherjee

...for the O.P. No. 2

Mr. Kallal Mondal, Ld. PP
Mr. Subir Ganguly
Mr. Utsav Dutta

...for the State

The petitioners seek quashing of G.R. Case No. 1276 of 2024 arising out of Jorabagan Police Station Case No. 214 of 2024 dated 20 December 2024, registered under Sections 126(2), 115(2), 118(1), 351(3), and 54 of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), presently pending before the learned Judicial Magistrate, 17th Court, Calcutta.

It appears that, in respect of the same alleged incident, another case was registered as Liluah Police Station Case No. 668 of 2024 under Sections 140(3), 115(2), and 308(4) of the BNS, 2023. The said case was, however,

quashed by this Court by an order dated 17.03.2026 passed in CRR 4336 of 2025.

Mr. Dutta, learned advocate appearing for the petitioners, contends that the present case is also liable to be quashed. It is submitted that the injury report does not record the names of the accused persons. It is further contended that the allegations are not substantiated by any material on record and that the present case has been instituted with mala fide intent as an afterthought.

This Court is, however, of the view that, upon completion of the investigation, the Investigating Agency has submitted a charge sheet, which is accompanied by an injury report. The Investigating Agency has cited as many as five witnesses as prosecution witnesses.

At the stage of considering an application for quashing of the charge sheet, there is no scope for examining the defence version. The contentions advanced on behalf of the petitioners by Mr. Dutta may be raised and established only during the course of trial as part of the defence.

However, I find that, even if the allegations made in the FIR and the materials disclosed in the charge sheet are accepted at their face value, the essential ingredients of the offence under Section 118(1) of the BNS, 2023 are not made out.

It is the case of the Investigating Agency that the victim sustained injuries after being struck with a bunch of keys on his head, back and waist. In my considered view, the injury alleged in the FIR and reflected in the injury report contained in the charge sheet cannot be classified as "grievous hurt" within the meaning of Section 116 of the BNS, 2023. Section 116 of the BNS reads as follows:

"S. 116 Grievous hurt –

The following kinds of hurt only are designated as "grievous", namely:

- (a) Emasculation.*
- (b) Permanent privation of the sight of either eye.*
- (c) Permanent privation of the hearing of either ear.*
- (d) Privation of any member or joint.*
- (e) Destruction or permanent impairing of the powers of any member or joint.*
- (f) Permanent disfiguration of the head or face.*
- (g) Fracture or dislocation of a bone or tooth.*
- (h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits."*

The learned Public Prosecutor, however, submits that Section 118(1) of the BNS, 2023 is attracted in cases involving voluntarily causing hurt or grievous hurt.

I am unable to accept the said submission. A plain reading of Section 118(1) of the BNS, 2023 makes it evident that the provision applies only where hurt or grievous hurt is caused by dangerous weapons or dangerous means. In the absence of the use of any dangerous weapon or dangerous means in causing the alleged hurt, the ingredients of Section 118(1) are not satisfied.

As already observed, the allegation against the petitioners is that the victim was struck with a bunch of keys. In my view, a bunch of keys cannot, in the facts and circumstances of the present case, be regarded as a dangerous weapon or dangerous means within the meaning of Section 118(1) of the BNS, 2023, particularly when the injury report does not suggest that the victim suffered any major injury.

Accordingly, the charge sheet is quashed only insofar as it relates to the offence punishable under Section 118(1) of the BNS, 2023.

The learned Magistrate shall proceed with the trial in accordance with law in respect of the remaining offences.

The petitioners shall be at liberty to raise all such contentions as may be available to them at the stage of framing of charge or at any subsequent stage of the proceedings, in accordance with law.

Accordingly, **CRR 4034 of 2025** stands disposed of.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)