



HIGH COURT OF TRIPURA
A G A R T A L A

Crl. Petn. No.12 of 2025

1. **Smt. Dr. M.J. Difi and Anr.**
W/o K. Pradeep Krishnaraj, D/o Shri Manikandan
2. **Mr. K. Manikandan**
S/o Kunjupillai,

Both are residents of MJD Bhavan, Thandrampoika Muriyil, Ayloorkoonam, District- Thiruvananthapuram, State- Kerala, Pin - 695607

..... Petitioner(s)

- V e r s u s -

1. **The State of Tripura**
Represented by the PP, High COurt of Tripura, Agartala.
2. **The Superintendent of Police**
South Tripura District, Belonia, Pin - 799155.
3. **The Officer-in-Charge**
Belonia Police Station, Belonia, South Tripura, Pin- 799155
4. **Shri K. Pradeep Krishnaraj, I.A.S.**
S/o T. Krishnaraj, R/o 171, Durganagar, Muthalakurichy, Kalkulam, Thuckalay, District- Kanyakumari, State- Tamil Nadu, Pin- 629175, presently posted as Addl. District Magistrate, South Tripura District, Belonia, Pin 799155

..... Respondent(s)

For the Petitioner (s) : Mr. S. Sarkar, Sr. Adv.
Mr. K.D. Sinha, Adv.
Ms. M. Sarkar, Adv.
Mr. D. Gope, Adv.

For the Respondent(s) : Mr. R. Datta, P.P.
Mr. K. Roy, Adv.

Whether fit for reporting	:	<table><tr><td>Yes</td><td>No</td></tr><tr><td></td><td>✓</td></tr></table>	Yes	No		✓
Yes	No					
	✓					



TRHC010004682025

2026:THC:541

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

27.04.2026

Heard learned counsel of both sides.

[2] The present respondent No.4 submitted one FIR against the present petitioners on 16.01.2025 which was registered under Sections 329(4), 115 (2), 356(2), 351(2) and Section 3 (5) of BNS, 2023.

[3] During the investigation of that case, the investigating officer issued one notice to both the petitioners under Section 35(3) of BNSS on 07.02.2025 asking them to appear within 10(ten) days before the investigating officer.

[4] Challenging the said notice, the present petition has been filed.

[5] Mr. S. Sarkar, learned senior counsel appearing for the petitioners submits that if the case is presently disposed of on the ground that already 10 days time from issuance of said notice is expired long ago, the investigating officer may reopen the investigation again and issue fresh notice to the sufferance of the present petitioners. Learned senior counsel further submits that challenging the said FIR itself, another criminal petition bearing Crl. Petn. No.13 of 2025 is already filed before this Court which is also pending. Therefore, till disposal of the said Crl. Petn. No.13 of 2025, the present criminal petition may also be kept alive.

[6] Mr. K. Roy, learned counsel appearing for the respondent No.2 submits that already the instant criminal petition has become infructuous as the time of 10 days for appearance of the accused persons before the



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investigating officer expired long ago. Therefore, the investigating officer also cannot even enforce the said notice now.

[7] Mr. R. Datta, learned P.P. appearing for the State also share the similar view like Mr. Roy, learned counsel appearing for the respondent No.4.

[8] This court has considered the submissions of both sides.

[9] The FIR of the case which is under challenge before this Court in Crl. Petn. No.13 of 2025 will be heard on merit after hearing the parties. However, so far this present criminal petition is concerned, it has already become infructuous as 10 days time for appearance of the petitioners before the investigating officer in pursuance of the said notice dated 07.02.2025 expired long ago and even the investigating officer also cannot press the said notice now. The apprehension of the petitioners is that if this case is disposed of, further notice may be issued to them by the investigating officer for their inconveniences and harassment, but the same cannot be taken into consideration in the instant criminal petition as the challenge in the instant criminal petition is limited only to the notice dated 07.02.2025.

Considering thus, this criminal petition is disposed of being infructuous.

Pending application(s), if any, also stand disposed of.

JUDGE

SUJAY GHOSH

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Sujay