

**03.05.2023**

Item No.2

Ct. No.1

PG/KS

**F.M.A. 268 of 2023  
With  
I.A. No. CAN 1 of 2023**

**Par-Ferro Coatings Private Limited & Anr.  
Vs.  
The State of West Bengal & Ors.**

Ms. Sutapa Sanyal  
Mr. Aranya Saha  
.....for the Appellants

Mr. Soumitra Mukherjee  
.....for the State

1. This intra Court appeal by the writ petitioners is directed against the order dated 13<sup>th</sup> February, 2023. The appellants approached the Writ Court with a grievance that the Pragati Maidan Police Station, Kolkata has not taken any step on the complaint dated 2<sup>nd</sup> March, 2022 lodged by the appellants against an ex-employee, who had used the letterhead of the appellants/company, forged the signature of the Managing Director and in the said letter, it is stated as if the resignation letter given by the ex-employee dated 12<sup>th</sup> August, 2021 is accepted.
2. The learned Single Bench took note of a report filed by the Officer-in-Charge of the Pragati

Maidan Police Station, Kolkata dated 9<sup>th</sup> February, 2023, which appears to have been submitted by the police authorities by appearing in person before the learned Writ Court and has opined that the police did not find any serious cognizable offence to be investigated.

3. In our view, the allegation of forgery, if proved, is undoubtedly a cognizable offence. Therefore, in terms of the mandate of the Hon'ble Supreme Court in ***Lalita Kumari -Vs.- Government of Uttar Pradesh & Ors.*** reported in ***(2014) 2 SCC 1***, the registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary enquiry is permissible in such a situation. In all probabilities, the respondents/police were unaware of the legal position. The private respondent viz., the person against whom the complaint was lodged has been impleaded as the 6<sup>th</sup> respondent in the appeal and notice sent to the 6<sup>th</sup> respondent has returned with the postal endorsement "refused", which is deemed service.
4. We have requested Mr. Mukherjee, learned advocate appearing for the State to accept notice on behalf of the official respondents.

5. In the light of the above, there will be a direction to the 5<sup>th</sup> respondent/Officer-in-Charge, Pragati Maidan Police Station, Kolkata to take the complaint on file, register an F.I.R. and investigate into the matter and take the proceedings to its logical end. This direction be complied with within a period of 10 days from the date of receipt of server copy of this order.
6. With the above directions, the appeal and the connected application are disposed of.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T. S. SIVAGNANAM)**  
**ACTING CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**