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09.10.2023
Ct-237
(RD)

**In the High Court at Calcutta
(Criminal Revisional Jurisdiction)
Appellate Side**

CRR 2437 of 2016

**Shankar Nath Chatterjee & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Jayanta Narayan Chatterjee, Adv.
Ms. Sreeparna Ghosh, Adv.
.... For the Petitioner

Mr. Pravas Bhattacharya, Adv.
Mr. M.F.A. Begg, Adv.

... For the State.

Mr. Dipanjan Chatterjee, Adv.
Mr. Atanu Ghosh, Adv.

.....For the opposite party no. 2

- 1.** Reply to affidavit is filed and taken on record.
- 2.** The revision application is filed with a prayer for quashing the proceeding in respect with G.R. Case No. 4916 of 2012 pending before the Metropolitan Magistrate, Calcutta arising out of Bowbazar 710 of 2012 dated 25.12.2012.
- 3.** According to First Information Report lodged on 25.12.2012 before Bowbazar Police Station, it was alleged that some times on or after 14.12.1994 petitioners entered into a criminal conspiracy and obtained a forged certificate of class VIII of Tripurapur Junior High School,

Falta in the name of petitioner Shankar Nath Chatterjee, who, subsequently, used the same as genuine and got admitted into ITI Tollygunge and passed the examination and obtained certificate. Thereafter, he got the job in the office of executive engineer 1 Diamond Harbour.

4. Case was investigated and ended with charge sheet no. 382 of 2014 dated 30.12.2014 under Section 34/120B/420/467/465/466/468/471 of Indian Penal Code.
5. Ld. Advocate, Mr. Jayanta Narayan Chatterjee, appearing on behalf of the petitioner has submitted that on the same cause of action opposite party no. 2 also lodged FIR with Falta Police Station which was registered as Falta Police Station Case no. 97 of 2011 dated 30.04.2011 which was investigated and charge sheet being no. 67 of 2012 under Section 420/465/468/34 of the Indian Penal Code was submitted. Mr. Chatterjee has further submitted that again on same cause of action FIR was lodged before Regent Park Police Station which was registered as Regent Park police station case no. 272/2011 dated 22.11.2011 that case was also ended in charge sheet bearing no. 97 of 2013 under Section 420/465/468/471/120B of the Indian Penal Code.

6. Ld. Mr. Dipanjan Chatterjee, appearing on behalf of the opposite party no. 2 has submitted that all the cases may be directed to be tried in one trial by the Trial Court.
7. Ld. Advocate, Mr. Pravas Bhattacharya on behalf of the State, could not contradict the lodging of successive FIR by the opposite party no. 2 in different police Stations as I have mentioned above.
8. From the certified copy of the FIRs along with written complaints annexed with the petition I find that all two FIRs lodged prior in time before Falta Police Station and Regent Park Police Station contended the same allegations as alleged in the instant FIR in connection with Bowbazar Police Station Case No. 710 of 2012 dated 25.12.2012. The incident alleged in the initial FIR before Falta Police Station is almost a replica of second FIR lodged before Regent Park Police Station and both the cases were ended in charge sheet against the petitioner. Now for the 3rd time opposite party no. 2 again lodged same complaint before the Bowbazar Police Station which I am dealing in connection with revision application in hand.
9. It is settled principle laid down by the Hon'ble Apex Court on repeated occasions that registration of multiple FIRs by same person against same accused based on the same set of

facts and the same cause of action is impermissible.

- 10.** In the aforesaid view of the matter, I have no hesitation to hold that the proceeding in connection with G.R. Case No. 4916 of 2012 pending before the Metropolitan Magistrate 12th Court, Calcutta, arising out of Bowbazar Police Station Case no. 710 of 2012 dated 25.12.2012 on the same set of facts and same cause of action is liable to be quashed.
- 11.** The proceeding in connection with G.R. Case No. 4916 of 2012 arising out Bowbazar Police station Case no. 710 of 2012 dated 25.12.2012 under Section 34/420/465/466/467/468/471/120B of the Indian penal Code stands quashed.
- 12.** Revision application being no. CRR 2437 of 2016 stands allowed.
- 13.** Case diary be returned.
- 14.** All parties to this revision application shall act on the server copy of this order downloaded from the official website of this Court.
- 15.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De)