

21.08.2023
Item No.24
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2993 of 2023

In the matter of : **Sri Jayanta Roy & Ors.** ... Petitioners.

Mr. Sambhunath De ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Learned advocate appearing for the petitioners is directed to serve a copy of this revisional application upon Ms. Debjani Sahu, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioners has drawn the attention of the Court to the orders passed by learned Additional District Judge, Fast Track Court No.1, Barrackpore in Mat Suit No. 92 of 2021. The learned advocate submits that on 16.11.2021, it was observed by the learned Judge that the couple are residing together with their sole child in peace and as such, he was pleased to dismiss the suit being Mat Suit No. 92 of 2021. The learned advocate has also drawn attention of the Court to the allegations made in the letter of complaint which is treated to be the FIR of the case. By drawing the attention to different dates which have been spelt out in the letter of complaint, it has been submitted that the earlier order passed in the matrimonial suit has completely been suppressed and a set of cryptic facts has been incorporated for making out cognizable offences

more particularly allegations relating to Section 307 of the Indian Penal Code which has hardly any relevance so far as the FIR is concerned.

I have considered the submissions advanced by the learned advocate appearing for the petitioners. The stage of the case is investigation being in progress and it is the settled proposition of law that FIR need not be encyclopedia of facts. However, the issues relating to malafide and improbability may be taken into account. Having regard to the factum of suppression, I am of the view that if necessary documents are placed before the investigating agency, the investigating agency would assess regarding the truth and genuinity of the allegations prior to filing of their report under Section 173 of the Code of Criminal Procedure. As such, no interference is called for at this stage.

With the aforesaid observations, the revisional application being CRR 2993 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)