

01.12.2023
Serial no. 1
[G.S.D]

CRR 4571 of 2022
With
CRAN 2 of 2023

In the matter of : Jitu Das

... .. Petitioner

Mr. Imran Ali
Ms. Debjani Sahu

... for the State

None appears for the petitioner.

I find from the order dated 11.1.2023 that there was a direction by a Co-ordinate Bench of this Hon'ble Court relying upon paragraph 120.6 of a judgment of the Hon'ble Supreme Court in *Lalita Kumari -vs- Government of Uttar Pradesh & Ors. reported in 2014(2) SCC 1*, upon the investigating officer not to take any coercive step.

So far as the judgment of *Lalita Kumari* is concerned the paragraph starts with :

"As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

- (a) Matrimonial disputes/family disputes
- (b) Commercial offences
- (c) Medical negligence cases
- (d) Corruption cases"

The word used and emphasized in the starting line of the paragraph is “may”.

Having considered the same, I am of the view that the registration of the FIR is not vitiated.

Accordingly, CRR 4571 of 2022 along with CRAN 2 of 2023 is dismissed.

Pending application, if any, is also dismissed.

Parties to act on a server copy of this order duly collected from the official website of the Hon’ble High Court at Calcutta.

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

(Tirthankar Ghosh, J.)