

28.02. 2023
item No.7
n.b.
ct. no.III

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

CRR 200 of 2022

**Sudhir Barman
Vs.
The State of West Bengal & Anr.**

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha
... for the petitioner.
Mr. Aditi Shankar chakraborty,
Mr. Aniruddha Biswas,
.....for the State.

The instant criminal revisional application has been preferred for quashing of FIR being Dinhata P.S. Case No. 430/21 under Section 343/323/326/307/120B/34 of the IPC read with Section 25(1A)/27 Arms Act read with Section 3/4 corresponding G.R. No. 464 of 2021.

Learned advocate submitted on behalf of the petitioner that earlier one suo motu police case was started vide Dinhata P.S. case no. 430 of 2021. The fact of the FIR of Dinhata P.S. case no.430 of 2021 is the same to the present FIR of previous Dinhata P.S. case No. 427 of 2020.

Learned advocate for the petitioner submitted before this court that the present FIR cannot be allowed to be continued as the police has already been started suo motu case. He also pray for quashing of the FIR.

Learned advocate appearing on behalf of the State by producing the Case Diary raised strong objection before this Court on the ground that the investigation of the police in respect of Dinhata P.S. case no. 430 of 2021 is yet to be concluded and the

police is collecting evidence. At this juncture, the FIR cannot be quashed.

Heard the learned advocate on behalf of the petitioner, perused the materials on record, it appears that the instant criminal revisional application has been preferred for quashing of the FIR. It is the submission of the learned advocate for the petitioner that the self-same fact has been agitated in both the FIR. However, the police is conducting the investigation of both the cases and it has been reported the investigation both the cases is yet to be concluded.

Considering the same at this juncture, I do not think it would be proper to interfere with the investigation of the police. I made it clear if it is appears before the investigation agency that both the cases is of same nature; they may take appropriate steps for taking or for collecting the evidences of both the cases. It is prerogative of the investigation agency to do the investigation. So at this juncture, I do not find any reason to interfere with the FIR.

Accordingly, the instant criminal application is disposed of.

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

(Subhendu Samanta, J.)