

04.03.2024

Item No.55
Ct.No.34
dc.

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

C.R.R. 916 of 2024

In the matter of : **Sri Milton Mistry & Ors.** ... Petitioners.

Md. Ashraf Ali,
Mr. Indrajit Chatterjee ... For the Petitioners.

The petitioners have prayed for quashing of the proceedings of New Town Police Station Case no. 282 of 2023 dated 08.09.2023. The emphasis made by the present petitioner is that prior to the present case, New Town Police Station Case no. 194 of 2023 dated 25.06.2023 was registered for investigation.

According to the learned advocate for the petitioners, incidents took place in the month of June 2023 which is the genesis for registration of New Town Police Station Case no. 194 of 2023 dated 25.06.2023. The present case which is under challenge relates to New Town Police Station Case no. 282 of 2023 dated 08.09.2023 was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure wherein the police authorities, in fact, found no cognizable offence and as such, they did not register the case. Pursuant to the subsequent direction passed by the learned Magistrate, case was initiated.

I have considered the allegations in the application under Section 156(3) of the Code of Criminal Procedure which refers to an incident of 09.08.2023. The investigation of the case is in progress. Having regard to the allegations and the counter-allegations, I am of the view that until and unless the

reports in respect of conclusion of investigation are filed in both the cases, the truth or veracity of the statements are not possible to be considered or adjudicated at this stage to hold that no case has been made out. The investigating agency will independently consider its views on the basis of the materials so collected and arrive at its conclusion.

The petitioners would be at liberty to take up the issues with the investigating officer of the case which according to them, tilt towards implicating them falsely. The investigating agency prior to submitting its report under Section 173 of the Code of Criminal Procedure would also take into account the same and thereafter file its report under Section 173 of the Code of Criminal Procedure. No interference is made by this Court at this stage.

The petitioners would be at liberty to approach this Court at the appropriate stage preferably if the investigating agency chooses to file its report under Section 173 of the Code of Criminal Procedure and the documents under Section 207 of the Code of Criminal Procedure are supplied to the present petitioners.

With the aforesaid observations, the revisional application being CRR 916 of 2024 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.)