

D/L16
21.02.2025
Bpg.
ct.no.35

W.P.A.3161 of 2025

**Sambhu Bouri
Versus
The State of West Bengal & Ors.**

Mr. Abhishek Halder
Mr. Swadesh Misra
Ms. Madhurima Basu.
...for the petitioner.

Mr. Vimal Kumar Shahi
Ms. Rupsha Chakraborty.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner approached this Court contending
that the second FIR on the selfsame subject matter is
liable to be quashed. To that extent, learned advocate
drew the attention of the Court to Salanpur P.S. Case
No.137 of 2023 dated 01.09.2023 and Asansol
Women P.S. Case No.63 of 2024 dated 10.07.2024.
Learned advocate submits that it is settled
proposition of law that in respect of the same
transaction on the selfsame set of allegations in view
of the law laid down by the Hon'ble Apex Court, the
second FIR is liable to be quashed.

State has submitted two reports, one
prepared by the Officer-in-Charge, Asansol Women

Police Station and the other prepared by Inspector-in-Charge, Salanpur Police Station.

I find that charge-sheet has been submitted in connection with both the cases.

Having considered that the police authorities have already filed charge-sheet, the issue relating to FIR at this stage cannot be considered since the learned courts in seisin of the respective cases have presumably taken cognizance of the offences are concerned.

Accordingly, the petitioner is at liberty to canvass such issues at the stage of consideration of charges after receipt of the documents relied upon by the prosecution relating to the test of sameness associated with the two cases.

With the aforesaid observations, WPA 3161 of 2025 is disposed of.

There will be no order as to costs.

Reports submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

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

(Tirthankar Ghosh, J.)