

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

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 1510 of 2025

Arjun Singh

Vs.

State of West Bengal and Others.

With

WPA 7369 of 2025

Arjun Singh

Vs.

State of West Bengal and Others.

**For the petitioner
in CRR 1510 of 2025**

: Mr. Sourav Chatterjee, Sr. Adv.
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Mr. Kaustav Bhattacharya
Ms. Sarmistha Basak
.....Advocates

**For the petitioner
In WPA 7369 of 2025**

: Mr. Billwadal Bhattacharyya, Sr. Adv
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Mr. Kaustav Bhattacharya
Ms. Sarmistha Basak
.....Advocates

For the State**in CRR 1510 of 2025**

: Mr. Kalyan Kumar Bandopadhyay, Sr.
Adv.
Mr. Debasis Roy, Ld. PP
Mr. Rudradipta Nandy
Ms. Sanjana Saha
Mr. Rahul Kumar Singh

.....Advocates

For the State**in WPA 7369 of 2025**

: Mr. Kalyan Kumar Bandopadhyay, Sr.
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Ms. Sanjana Saha
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.....Advocates

For the UOI

: Mr. Arun Kumar Maiti (Mohanty)
Mr. R. R. Mohanty

.....Advocates

Heard lastly on

: 15.07.2025

Judgment on

: 24.10.2025

Jay Sengupta, J:

1. While CRR 1510 of 2025 is an application filed by the petitioner, inter alia, seeking quashing of G.R. case No. 1909 of 2025 pending before the Learned Additional Chief Judicial Magistrate, Barrackpore, arising out of Jagatdal PS Case No. 72 dated 27.03.2025 under Sections

126(2)/117(2)/118(2)/109/351(2)/3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 25/27 of the Arms Act, WPA 7369 of 2025 was filed by the petitioner seeking direction upon the police station to register an First Information Report on his complaint dated 26.03.2025. As the two applications were inter connected and pertain to incidents that took place in the same transaction, the two matters were taken up hearing together.

2. Learned senior counsels appearing on behalf of the petitioner has submitted and has relied on the written notes as follows. The revisional application has been filed by the petitioner, being aggrieved by the counter case registered against the petitioner and the mala fide manner in which the opposite parties have instituted the present case against the petitioner. It reflected the malevolent intention of the opposite party to malign the petitioner by entangling the petitioner in vexatious proceedings. The complaint was bereft of any ingredients of the allegations leveled against the petitioner under Section 126(2)/117(2)/118(2)/109/351(2)/3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 25/27 of the Arms Act by the opposite parties. In the similar manner, the writ petition was filed by the petitioner, being aggrieved by the inaction of the respondent authorities for their action of non-registration of FIR upon the complaint made by the petitioner even when it disclosed cognizable offences. The genesis of the present case began with the incident that happened in the night of 25.03.2025 when two employees/ workers of Meghna jute mill, being Bitto Chowdhury and Md Rashid had a fight due to the political differences amongst themselves. Taking advantage of such fight, local goons reached the

said spot. Subsequently, at 5.16 pm, Namit Singh along with his gang members and Md. Firoz arrived at the spot and started firing bullets at the jute mill, thereby targeting the employees and workers of the jute mill and also the house of the petitioner which was about 300 meters away from the said jute mill. They also started hurling bombs at the places in the vicinity of the house of the petitioner. Though the police authorities were present in the place of occurrence, no action was taken by them to curb such action. When the petitioner came to know about such an attack near his house, he came down with his CRPF personnel having Z category security. The petitioner was about to reach the place of occurrence when the miscreants fled away. The entire dispute between Bitto Chowdhury and Md Rashid was noted in a complaint made by Md. Hasim which was registered as FIR no. 71 of 2025 dated 27.03.2025 at 00.10 hours under section 126(2)/117(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023 against Bitto Chowdhury and Md Rashid. It became imperative to place on record that on 26.03.2025, at around 10.50pm, illegal and unlawful activities such as rounds of bullets were fired by a gang of miscreants near the office and residence of the petitioner, being at Majdoor Bhawan and near Meghna Jute Mill More. The identified persons in the said illegal activities were Saddam Hussain, Namit Singh, Prem, and other 40-50 persons, being members and supporters of the ruling dispensation under the instruction of one Somnath Shyam. Furthermore, this gang of miscreants also carried deadly and dangerous weapons, arms and live bombs. Initially the miscreants fired guns near the office of the petitioner, Mazdoor Bhawan. Hearing the bullet shots, the petitioner came

out of the Majdoor Bhawan. Subsequently, the gang of miscreants went to the Meghna Jute Mill More, which was around 200-250 meters from Majdoor Bhawan and fired several rounds of arms in the open on the road in the presence of Police authorities. They also hurled live bombs near the house of the petitioner, out of which one bomb burst not only endangering the life, safety and security of the petitioner but also of the innocent people at large. The petitioner made a complaint through email to the Jagatdal Police station and Commissioner of Police, Barrackpore Police Commissionerate on 26.03.2025 at 11.39 P.M., however, no action was taken upon the said complaint. Being aggrieved from such inaction of the investigating agency, the petitioner had preferred a writ application, being WPA 7369 of 2025 and was presently pending for adjudication. On 26.03.2025 at around 10 pm., when he was sitting at Rustam Gumti, at that point of time, the complainant came to know that a fight in physical form broke out and his neighbor, Md Hasim and Md Ashiq has been allegedly attacked inside Meghna Jute Mill. When the complainant went at the gate of the said jute mill, then after five minutes, the petitioner along with 20-25 persons came in front of the said jute mill. There were 3-4 rounds of shots which were fired by the men and agents of the petitioner. At that point of time, the complainant and others ran from the said spot, however, the complainant's friend, Saddam Ansari got injured via bullet being shot at his leg near Shiv Mandir. Subsequently, he was taken to the hospital. Then, the complainant lodged a complaint against the petitioner, being Jagaddal Police Station case no. 72 of 2025 dated 27.03.2025 under Section 126(2)/117(2)/118(2)/109/351(2)/3(5) of

Bharatiya Nyaya Sanhita, 2023 read with Section 25/27 of Arms Act. Upon this mala fide action being deliberately instituted against the petitioner, the petitioner approached this Court by preferring the instant Criminal revisional application, being CRR 1510 of 2025 on 1.04.2025. Subsequent to the filing of the instant case; a) On 1.04.2025, the petitioner had brought to the notice of the Learned Court below regarding the filing of the instant case. b) The investigating agency, even after being aware of the pendency of the instant revisional application, surreptitiously prayed before the Learned Court below for recording of statement of a witness under section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. c) The same was recorded within a span of 10 minutes and subsequently, warrant was issued against the petitioner. This Court was pleased to direct the investigating agency not to arrest the petitioner and to keep the warrant of arrest so issued against the petitioner, in abeyance till 21.04.2025. The same has been extended from time to time. No allegations were made out against the petitioner from the mere perusal of the FIR and complaint. The essential elements of the provisions alleged against the petitioner was not established. The complaint made against the petitioner did not make out a single allegation against the petitioner. It was essential to state herein that the provisions leveled against the petitioner are baseless and on the perusal of the complaint, no charges are made out against the petitioner. The essential ingredients of Section 126(2) of the Bharatiya Nyaya Sanhita, 2023 were not made out in the present case. A fundamental requirement of this provision was that there must be an act of restraining a person from proceeding in any direction in which they had a

right to proceed. However, a perusal of the complaint revealed that there was no allegation to the effect that the petitioner physically or otherwise restrained the complainant from proceeding in any direction. In the absence of such a clear assertion, the basic element constituting an offence under Section 126(2) BNS was clearly lacking. Section 117(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, pertained to the offence of voluntarily causing hurt or attempting to cause hurt by dangerous weapons or means, or by attacking a person with deadly force. To attract this provision, the following essential ingredients must be satisfied: a) The accused must have voluntarily attacked, attempted to attack, or caused hurt to another person, b) Such act must involve the use of deadly weapons or dangerous means, and c) There must be a direct nexus between the act and the accused, either as the principal offender or through abetment/common intention/common object. In the present case, the complaint failed to disclose any of the above essential elements as against the petitioner. Specifically, because; there was no allegation that the petitioner personally attacked the complainant or any other individual. The complaint vaguely alleged that 20-25 men and agents of the petitioner fired bullets. Furthermore, there was no direct or proximate involvement of the petitioner in the alleged firing had been demonstrated. The complaint was also silent about any overt act committed by the petitioner and hence, implicating the petitioner in the present case with the allegation of section 117(2) BNS would be frivolous and violations of the principles of natural justice. The allegation under Section 118(2) of the Bharatiya Nyaya Sanhita, 2023 was wholly misconceived. The essential

requirement of Section 118(2) BNS was that the accused must have committed an act of assault or criminal force using deadly weapons or means, making the offence person-specific in nature. However, a plain reading of the complaint revealed that no specific allegation had been made against the petitioner indicating that he personally attacked, assaulted, or fired any bullet at the complainant or any other person. Arguendo, the complaint assumed to be true but not admitting the same, the complaint itself stated that the petitioner only came along with 20-25 men, however there is no allegation against the petitioner with respect to firing the bullet on the victim. The complaint states that bullet was fired by the men and agents of petitioner, but it did not state that gun was fired by the petitioner himself. Considering the charges which had been levied against the petitioner, the provisions are person specific offence as the word “whoever” was mentioned, thereby indicating that only the person who has committed the said offence could be implicated in the said case. Moreover, the complaint states that the victim was injured via bullet being shot at his leg near Shiv Mandir. It did not specifically mention that said act had been committed by the petitioner. It was also to state herein that Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 states that; “when a criminal act was done by several persons in furtherance of the common intention.” a) The essential part was criminal act done by several persons. From the bare reading of the complaint itself, it was evident that neither there are any allegations indicating that the petitioner had committed any offence nor any evidence to substantiate such actions of still implicating the petitioner in the

instant case. With respect to Section 25/27 of the Arms Act, firstly, the petitioner was neither seen with any arms nor the complaint reflected that the petitioner has fired bullet towards the victim or possessed any bullet. Moreover, the petitioner had licenses of the guns he possessed however there was no evidence or material to establish that the petitioner had fired the bullet when the complaint did not reflect the same. Thus, it was absurd that in the absence of any specific allegation, still the petitioner was harassed for the overzealousness of the investigating agency to find one or the other tricks to seize the license of the arms possessed by the petitioner and to somehow implicate the petitioner in the instant case. b) The CCTV footages capturing the incident had been handed over to the investigating authority disclosing that the petitioner was not involved in the alleged offence. It was essential to state herein that the place of occurrence where allegedly the incident has taken place as per the FIR under challenge, was covered by the CCTV and surveillance. Vide WPA 9635 of 2024, the area of the residential house of the petitioner was under CCTV surveillance. However, even after being aware of the same, the investigating agency did not seize such video footages which reflected their intention to show that the petitioner was involved in the instant case and rope him in. The petitioner was served with a notice under section 94 Bharatiya Nagarik Suraksha Sanhita, 2023 on 27.03.2025 and in compliance to the said notice, when the petitioner attached the pen drive of the footages of the CCTV cameras which were under his control, the investigating agency denied to accept such video footages. It was pertinent to mention herein that the CCTV footages had captured the incident that had

taken place on the said date. For the same, the petitioner had attached the footages in a pen drive along with a reply to the said notice, however the investigating authority sheerly denied to receive the footages. The same was communicated by the petitioner over mail to the police authorities. It was only when such footages were played in the media, out of media pressure, the investigating agency acted upon the footages to register a suo-moto complaint, being Jagaddal police Station case no. 75 of 2025 dated 28.03.2025 at 21.20 hours under section 25/27 of Arms Act against Namit Singh and Sonu Jaiswal. It was essential to highlight herein that the Jagaddal Police Station case no. 75 of 2025 itself stated that the above two accused persons were seen cocking the gun and with fire arms from 22.20 hrs. to 22.30 hrs. Even after that no steps had been taken against them by the investigating agencies even after the clear disclosure of their commission of offence in the footages. Furthermore, it was ironical to note that the complaint stated about the time frame of 22.20 hrs to 22.30 hrs even when the whole CCTV footages was available in the media. Conveniently, the investigating authorities, in their attempt to implicate the petitioner in the instant case under challenge, had deliberately suppressed the video footages prior to 22.20 hours. The attending circumstances reflected that the instant case proceeding had been instituted with vexatious and mala fide intention. Petitioner was being deliberately targeted for his political affiliation. There was a unique modus operandi which operates in the State of West Bengal with respect to implicating the petitioner in baseless and frivolous cases. The present petitioner had a long political career and the

same was referred in paragraph 3 of the revisional application. The petitioner was an Indian politician and a member of parliament in the 17th Lok Sabha from Barrackpore Lok Sabha constituency in West Bengal and was associated with the ruling dispensation from 2001 to 2019. There was a definitive and specific pattern which had been followed to implicate the petitioner in criminal cases. It could be seen that upto 2019, no cases were registered against him. Again in 2019, when he shifted his political allegiance to the party in opposition in the State of West Bengal, then again, a series of cases started to be registered against the petitioner and in embroiled in several criminal cases so much so that in a very short span of time, the petitioner was implicated in as many as 64 cases. It is interesting to note that out of these 64 cases registered against the petitioner, the first case registered against the petitioner was on 24.03.2019 and the 63rd case registered against the petitioner was on 22.09.2020. It reflects that within a period of 1.5 years, as many as 63 cases were registered against the petitioner, who was in public life for decades. After the shift of the political allegiance of the petitioner to the party in opposition in the State of West Bengal, there were barrage of cases registered against the petitioner. For the same, the petitioner had preferred a Special Leave to Appeal being Writ petition (s) (Criminal) no (s) 395 of 2020 with W.P. (Crl) No. 393 of 2020 with W.P. (Crl) no. 400 of 2020 with W.P. (Crl) no. 403 of 2020 with Writ petition (s) (Criminal) no (s) 402 of 2020 before the Hon'ble Supreme Court of India against such mala fide action of the police authorities. Vide order dated 18.12.2020, the Hon'ble Bench had granted an interim protection of no

coercive action against the petitioner in a series of cases being instituted against the petitioner in a mala fide manner and the protection was effective even till date. Furthermore, there were several other instances where even when there were no case made out against the petitioner, still the investigating agency chose to implicate the petitioner. The petitioner had been constrained to approach this Hon'ble Court in each occasion, and this Hon'ble Court had been pleased to protect the petitioner and grant no coercive steps to the petitioner. The petitioner was being deliberately targeted owing to his political affiliation. He had been falsely implicated in multiple criminal cases as a means of political vendetta and harassment. On earlier occasions as well, when the police machinery had exceeded its jurisdiction and misused its powers to register false and frivolous cases against the petitioner, this Court had taken judicial notice of such mala fide conduct. The Court had accordingly extended protection to the petitioner from such coercive and harassive tactics employed by the investigating authorities. The police officials were present in the place of incidence during its occurrences. The police officials were very much present in the place of occurrence, however, still they did not attempt to act in the said incidence and act as a mute spectator so that the real offenders could escape and the petitioner could be roped in. This is alarming as despite having knowledge of the actual offenders involved in the commission of the offence, the police have failed to take any action against them. Rather, in a clear display of bias and mala fide intent, the petitioner has been falsely implicated in the present case. Harassive technique was adopted by the investigating authority in giving

repetitive notices under Section 35(3) and 94 of Bharatiya Nagarik Suraksha Sanhita and subsequently issuing warrant of arrest against the petitioner. Notice under section 35(3) Bharatiya Nagarik Suraksha Sanhita, 2023 served upon the petitioner. The mala fide intent of the investigating agency was very much apparent from the manner in which the petitioner had been served with notices one after the other only to somehow arrest and harass the petitioner. Consecutive notices had been given by the investigating agency to the petitioner even when the petitioner had complied with the notices given. This act of the investigating agency indicated towards their intention to show that the petitioner was not cooperating or complying with the notices issued under section 35(3) of the Bharatiya Nagarik Suraskha Sanhita, 2023 and to arrest and harass him. The manner in which multiple notices were served one after the other in a very short span of time reflected the mala fide intent of the investigating authority to show the petitioner's non-compliance and arrest him somehow. At 4am on 27.03.2025, the petitioner received notice under section 35(3) Bharatiya Nagarik Suraksha Sanhita, 2023 to appear before Jagaddal Police Station at 10AM on 27.03.2025. The petitioner replied to the notice stating his inconvenience because of very short span of time. Subsequently, on 27.03.2025 at 12 Noon, again the petitioner received notice under section 35(3) Bharatiya Nagarik Suraksha Sanhita, 2023 to appear before Jagaddal Police Station at 2PM on 27.03.2025. The petitioner also replied to the said notice. On the same day, the investigating authorities came to the petitioner's home; Mazdoor Bhawan for interrogation for 45 minutes without any notice. The petitioner had cooperated with the same as

well, however even after that, on the same day, the petitioner had received another notice under section 35(3) Bharatiya Nagarik Suraksha Sanhita, 2023 to appear before Jagaddal Police Station on 28.03.2025 at 14:00 hours to which the petitioner replied by stating that he would act in accordance with the orders passed by the High Court. The repeated issuance of notices under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023 to the petitioner, despite his cooperation with the investigation, is clearly harassive and unwarranted. Notice under section 94 Bharatiya Nagarik Suraksha Sanhita, 2023 has been issued against the petitioner. Quite shockingly, the petitioner, though being an FIR named accused person, was served with two notices under section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It was trite law that a person who is being accused of a case could not be summoned to produce document or any evidence under section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023, otherwise the same would interfere and overlap with the constitutional protection granted to an accused person as envisaged under the Constitution of India. It was a settled and trite position of law that a notice under Section 94 of the Bharatiya Nyaya Sanhita, 2023 which pertained to the production of documents or things, cannot be issued to an accused person in a criminal case. Despite the legal impropriety, the petitioner, acting in good faith and in the interest of transparency, complied with the said notice and attempted to submit the CCTV footages to assist in the investigation. Warrant issued against the petitioner. It was essential to state herein that the mala fide intent of the investigating agency was evident from the very action of the manner in which

warrant was issued against the petitioner. On 1.04.2025, even after bringing into the knowledge of the Hon'ble Court as well as the prosecution that a criminal revisional application was filed and for the same, the filing number was produced, the investigating agency in their overzealousness, prayed for recording of statement of a witness and subsequently warrant was issued against the petitioner. It is imperative to mention herein that a verbal assurance was given by the Learned Public Prosecutor that no coercive action would be taken against the petitioner, however even after that the investigating authority proceeded to pray for warrant of arrest against the petitioner in a hasty manner. Even from the perusal of case record, it would be evident that the manner in which such prayer was made on 1.04.2025, subsequent to which a witness was examined and within a short span of time, the learned Magistrate allowed the prayer of warrant, the whole scenario indicated towards the malevolent ploy and tactics adopted by the investigating agency to harass the petitioner. Hence, the entire dispute even taken on its face value, makes out no case against the petitioner and could not by stretch of imagination constitute mens rea to commit the offences as alleged in the FIR. On the bare perusal of the allegations in the FIR, it was apparent on the face of it that the investigating authorities have, with mala fide intention had attempted to give a colour of criminal proceeding where no case of any manner in being made out. It was once again reiterated that the petitioner had not approached this Hon'ble Court for quashing of the proceedings as a whole but only to the extent as far as the petitioner was concerned and implicated in the instant case under challenge. Hence, if the

complaint did not disclose any case against the petitioner, neither any role nor any specific averment was made for commission of any overt act by the petitioner other than merely stating that the petitioner was present, then in such circumstances, such case merely became harassing litigation and allowing such case proceeding to continue than what it had reached will degenerate into weapon in the hands of opposite party no.1 to harass the petitioner. The petitioner stated that there was no fixed timeline to prefer for quashing of a case proceeding if such case met the parameters of quashing as laid down by the Hon'ble Apex Court. Even though FIR was not considered to be in the nature of an encyclopedia, still it had been vividly laid down in several landmark judgments such as *State of Haryana V. Bhajan Lal*, 1992 Supp (1) SCC 335, *Salib alias Shalu alias Salim v. State of UP and others*, 2023 SCC OnLine SC 947 and *Haji Iqbal alias Bala through S.P.O.A. v. State of Uttar Pradesh and Others*, 2023 SCC OnLine SC 948 that it should have ingredients and make out a cognizable case against the person so accused. Moreover, the State machinery ought to have registered FIR upon the complaint of the petitioner. It was a specific case of the petitioner that despite the petitioner's complaint being first in point of time and in respect of some incident no first was registered. Section 173(1)(ii) of Bharatiya Nagarik Suraksha Sanhita had to be read harmoniously with section 176 of BNSS which provided for procedure for Investigation from information received or otherwise. Moreover Jagatdal Police Station had already taken the electronic complaint of the petitioner on record vide Jagatdal Police Station E-register NO: 2/25 dated 27/3/25. Ergo the contention of the State regarding non

compliance of Section 173 (1)(ii) of BNSS was absurd and self contradictory. It stated that in fact in pursuance to such electronic complaint being taken on record, the enquiry officers of Jagatdal Police Station wide notice dated 29/3/2025 asked for video footages from the petitioner. Page 62 of the revisional application, being CRR 1510 of 2025 reflected a notice under section 94 of BNSS annexed to the said revisional application in respect of FIR no 72 of 2025 registered on the basis of the complaint of the petitioner (which though is far from truth as FIR no 72 of 2025 was on the basis of complaint of MD Irfan. It was also stated at Page 64 of the revisional application that CCTV footages had been provided in pendrive wide later dated 28/3/25. In para 5 (i) of the revisional application, it was categorically pleaded that the pendrive containing video footages was not received. A holistic appreciation of the gamut of facts will lead to irresistible conclusion about mala fide and mechanical action of errant police officials while dealing with complaint of the petitioner reflecting there vindictiveness, malice and close mind. Section 176 BNSS cast an obligation upon the officer in charge to proceed with investigation on the basis of information received for otherwise. Reliance was placed in this regard on paragraph 28, 29 and 30 of the judgement being *Kailash v. Nanhku and another*, (2005) 4 SCC 480. It was a well-settled principle of criminal jurisprudence that when a complaint discloses the commission of a cognizable offence, the police was mandatorily required to register a First Information Report (FIR). This statutory mandate was interpreted by the Hon'ble Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1, where the Constitution Bench

authoritatively held: "Registration of FIR is mandatory under Section 154 CrPC if the information discloses commission of a cognizable offence. No preliminary inquiry is permissible in such a situation." The Hon'ble Court further emphasized that non-registration of FIR in such cases would amount to dereliction of duty and violation of fundamental rights under Article 14 and 21 of the Constitution. In the present case, the petitioner lodged a complaint through electronic mode on 26.03.2025, clearly disclosing the commission of a cognizable offence, including serious allegations involving bomb blasts. *Kailash v. Nanhku and Another*, (2005) 4 SCC 480. The complaint made by the petitioner was first in point of time, as was clearly evident from the email communication addressed to the Investigating Authority, wherein the petitioner disclosed the commission of a cognizable offence involving serious allegations, including bomb blasts. Moreover, when the police authorities visited the petitioner's residence on the very next day, i.e., 27.03.2025, they had every opportunity to obtain his physical signature on the complaint, however the same was not done because already the complaint of the petitioner was registered as E- register no. 2/25 dated 27.03.2025. Hence, there did not appear any requirement for signatures of the petitioner. The deliberate inaction reflected a malicious intention to shield the actual culprits and to instead harass the petitioner, who had acted in good faith to bring a serious cognizable offence to the attention of law enforcement. Shockingly, instead of acting upon the petitioner's complaint in accordance with law, the authorities proceeded to register an FIR against the petitioner himself, thereby completely turning the law on its head. This

sequence of events not only reflected mala fide intention and clear bias, but also amounted to a serious infringement of the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India. It is also essential to highlight herein that the petitioner is a Z category protectee and on the said day of incident, the security officials from the Central Industrial Security Forces were present along with the petitioner. Hence, they are a prime witness to the whole incident. The non-registration of FIR upon the petitioner has led to inaction by State police machinery. Reliance was placed on *State of Karnataka v. L. Muniswamy and others*, (1977) 2 SCC 699, *Ahmad Ali Quraishi and Another v. State of Uttar Pradesh and Another*, (2020) 13 SCC 435, *Qamardin v. Emperor*, 1922 SCC OnLine 64, *Akshay Jain v. state of West Bengal*, 2014 SCC OnLine Cal 20786, *State of Haryana v. Bhajan Lal*, 1992 SUPP (1) SCC 335, *Salib alias shalu alias salim vs. State of Uttar Pradesh and others*, 2023 SCC 947, *Haji Iqbal alias Bala through S.P.O.A. vs. State of U.P. and others*, 2023 SCC 948, *Vishal Noble Singh v. State of Uttar Pradesh and Another*, 2024 SCC OnLine Sc 1680, *Inder Mohan Goswami and Another v. State of Uttaranchal* (2007) 12 SCC 1, *Kailash v. Nanhku and others*, (2005) 4 SCC 480.

3. Learned senior counsel appearing on behalf of the State has submitted and has relied on the written notes as follows. On the basis of this complaint lodged by one Md. Irfan, the Jagatdal Police Station Case No. 72 of 2025 dated 27.03.2025 under Sections 109/117(2)/118(5)/126(2)/3(5)/351(2) of Bharatiya Nyaya Sanhita, 2024 and Sections 25/27 of the Arms Act, 1959 was recorded against the petitioner herein and few other persons. As per the

complaint of Md. Irfan, on 26.03.2025 at about 22.00 hours he received information that Md. Hasim and Md. Ashique were assaulted inside Meghna Jute Mill premises, then he, along with his friends, went to Meghna Jute Mill gate. Within a few minutes of reaching there, he saw that the petitioner, along with 20/25 others, also came at Meghna Jute Mill Gate, and the petitioner and his associates fired 03/04 rounds. Then the complainant and others started to run away from the spot, and at that time the complainant's friend Saddam Ansari @ Moinudding Ansari received a gunshot injury on his leg, near Shib Mandir. Then the complainant, Mohsin Ali and others took him to Bhatpara S.G. Hospital for his treatment. During the investigation of the Jagatdal Police Station Case No. 72 of 2025, multiple evidence had been collected which show that the petitioner was present at the place of occurrence and he carried his gun along with him at the place of occurrence where shots were fired. In fact, the petitioner had admitted that he visited the place of occurrence at the relevant period of time. The State respondents had placed the entire case diary for the consideration of this Hon'ble Court and had also furnished relevant CCTV footage before this Court. Surprisingly, within 5 days of its inception, while the investigation was at a nascent stage, the petitioner herein filed the instant revisional application for quashing of the Jagatdal Police Station Case No. 72 of 2025. The complainant on the basis of which the First Information Report was lodged disclosed sufficient material for initiating the instant case against the petitioner. Furthermore, during the investigation, multiple pieces of evidence had been collected that support the assertions of the complainant and the

victim in the said case. Relevant pages of the Case diary were as follows. Relevant Statements under Section 180 of BNSS – Arjun Singh – Page 32 (Q. 8 to 10, 12, 14, 15, 19, 20, 23, 42), Mionuddin Ansari @ Saddam (victim) – Page 39 (In the presence of a Doctor in Apollo Hospital). Relevant statement under Section 183 of BNSS – Moinuddin Ansari @ Saddam (victim) (10.04.2025) – page – 122. Seizures – From the place of occurrence on 27.03.2025 – page 14, from Apollo Hospital on 29.03.2025 – page – 67. Injury report – Moinuddin Ansari @ Saddam (victim) – page 22, Sagore Dutta Hospital (Gun shot injury) – page – 42. CCTV footage – Seizure of CCTV footage from Meghna Jute Mill gate, Shiv Mandir, Majdoor Bhawan – pages 51, 59, 60, Analysis of CCTV footage – page – 47. Whereabouts of Arjun Singh – Arjun Singh was not found at his residence and his whereabouts were not shared by CISF – page – 57, learned Advocate representing Arjun Singh submitted before the Jurisdictional Court that he is not in Kolkata – page – 86. The allegations of malicious institution of the Complaint had not been made out properly in the Application. The allegations of mala fide and malice had no legs to stand on as the complainant or the victim had no animosity against the Petitioner herein. Per contra, the presence of the Petitioner at the place of occurrence with his licensed gun had been established during the investigation, and the same has been admitted by the Petitioner. Assuming arguendo that the complainant and the Petitioner had some animosity between them, the complaint in the instant case was correct, and an offence had been committed by the Petitioner herein. The ingredients which established the commission of the offence by the Petitioner exist,

therefore the prosecution could not fail merely because there was an animus of the complainant or the prosecution against the accused. Allegations of mala fides may be relevant while judging the correctness of the allegations or while examining the evidence. But the mere fact that the complainant was guilty of mala fides would be no ground for quashing the prosecution. The Petitioner was not cooperating with the investigation. He refused to furnish his licensed gun for examination. Furthermore, the Petitioner has been evasive and has not complied with any of the directions of the investigating agency. At this nascent stage, this Hon'ble Court, after application of mind to the case made out by both the parties, had to satisfy itself that a prima facie case was made out to proceed against the Petitioner herein. While exercising powers under Section 482 CrPC/528 of the BNSS, the High Court was not required to conduct a mini-trial. When the investigation by the police was in progress, the Court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. *Neeharika Infrastructure (P) Ltd. V. State of Maharashtra*, (2021) 19 SCC 401. If criminal prosecution was based upon adequate evidence and the same was otherwise justifiable, it did not become vitiated on account of significant political overtones and mala fide motives. Therefore, the plea of mala fide may not per se form the basis for quashing the FIR/complaint. *State of Chhatishgarh v. Aman Kumar Singh*, (2023) 6 SCC 559. The complaint which was made was correct and an offence had been committed, which would have to be established in a Court of law. Therefore, it was of no consequence that the complainant was a person who was inimical or that he

was guilty of mala fides. But, the mere fact that the complainant was guilty of mala fides would be no ground for quashing the prosecution. *State of Maharashtra v. Ishwar Piraji Kalpatri*, (1996) 1 SCC 542. While exercising powers under Section 482 Cr.PC, the High Court was not required to conduct a mini-trial. What was required to be considered at that stage was the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR prima facie disclosed the commission of the cognizable offence or not. *State v. M. Maridoss*, (2023) 4 SCC 338. *Sri Kalyan Bandopadhyay* (2015 SCC Online Calcutta 5058, para 7) – In the cited case, the petitioner filed an application for anticipatory bail prior to the issuance of a Warrant of Arrest. However, in the instant case, the petitioner filed a revisional application, which was yet to be taken up when the Warrant of Arrest was issued by the Trial Judge. Furthermore, the Warrant of Arrest was issued after considering the submissions of the learned Advocate of the petitioner, who submitted that the petitioner was not in Kolkata and did not disclose the whereabouts of the petitioner before the Trial Judge. *Akshay Jain*, (2014 SCC Online Calcutta 20786) – In the cited case, the petitioner filed an application for anticipatory bail prior to the issuance of a proclamation and attachment by the Trial Judge. However, in the instant case, the petitioner filed a revisional application, which was yet to be taken up when the Warrant of Arrest was issued by the Trial Judge. Furthermore, the warrant of Arrest was issued after considering the submissions of the learned Advocate of the petitioner, who submitted that the petitioner was not in Kolkata and did not disclose the whereabouts of the petitioner before the

Trial Judge. *Inder Mohan Goswami v. State of Uttaranchal*, (2007) 12 SCC 1 – The cited case laid down the essential pre-conditions for issuance of non-bailable Warrant. It was submitted that all the conditions as mentioned in the cited case for issuance of a non-bailable Warrant were satisfied in the instant case. *Salib alias shalu alias salim vs. State of Uttar Pradesh and others*, 2023 SCC 947 – In the cited case, the petitioner was not named in the FIR but in the instant case, the name of the petitioner featured in the complaint as well as the FIR. In the cited case, although the FIR was lodged, inter alia, under Sections 195A and 383, but the Hon'ble Supreme Court held that the complaint did not disclosed the ingredients of offences as described by any of the two Sections. *Vineet Kumar v. State of U.P.*, (2017) 13 SCC 369 – In the cited case, there was sufficient material on record to indicate that there were financial transactions between the accused and the complainant, her husband and son. Apart from bald assertions made by the complainant that all the accused have raped her, there was nothing which could have led the courts to form an opinion that the present case is a fit case of prosecution which ought to be launched. However, in the instant application, the case of mala fide has not been made out properly in the application. The gunshot injury of the victim was not in dispute. Petitioner has admitted that there was present at the place of occurrence with his licensed gun. CCTV footage further confirms the presence of the petitioner at the place of occurrence. Thus, the cited case was factually distinguishable. *Haji Iqbal v. State of U.P.*, 2023 SCC OnLine SC 946 – In the cited case the genesis of the complaint was a construction contract between the parties.

The complainant had certain monetary claims against the accused. The dispute between the parties was predominantly civil in nature, which was given a criminal flavor by the complainant. However, in the instant application, the case of mala fide was not made out properly in the application.

4. Learned counsel Union of India has submitted that if a direction by this court to register an FIR and investigate into the alleged offences, his clients would be in a position to comply with the Court's order.

5. I heard the learned counsels for the parties and perused the revisional application, the writ petition, the affidavits, the written notes and the case diary in question.

6. It is the prime contention of the present petitioner that the ruling political dispensation of the State and their men and agents have been trying to falsely implicate the petitioner and the individuals associated with the petitioner due to political vengeance after they shifted allegiance from them to another political party; this happened to the petitioner and to so many others; some buckled under pressure and returned to their fold; some others like the petitioner who stood their ground were maliciously targeted by the State to wreck vengeance. So far as the present petitioner is concerned after change of political side, the petitioner was purportedly implicated in as many as 64 criminal cases in a span about one and half years. The Hon'ble Supreme Court granted stay of the proceedings or other

interim relief in respect of the cases filed against the petitioner at the behest of the respondents.

7. The fact that so many criminal cases could be registered against the petitioner in such short span of time and the fact that the Hon'ble Apex Court had granted some interim relief to the petitioner in many such cases set a clear backdrop to the issue raised by the petitioner that he has been falsely implicated in the present case as well.

8. However, even if there is any malice in the State or in the ruling dispensation in falsely framing someone in a criminal case, the same does not totally preclude the possibility of the accused being actually involved in a crime. For that, one has to look at the attending facts and circumstances and find out whether a prima facie case is made out such that it would outweigh the issue of mala fide.

9. Pertinently, the present case is at the stage of final hearing.

10. Therefore, now one has to independently analyze the facts and circumstances of the present case and see whether prima facie made out, albeit, by keeping in mind the petitioner's contentions regarding mala fide.

11. In the present case, some altercations had taken place near the residence of the petitioner. When he learnt that a fight had broken out between two groups, the petitioner with his security personnel and other associates went looking for the same. According to the petitioner, he was not carrying his licensed gun at all. However, it was found that a person was shot at his leg.

12. The petitioner sought to lodge a complaint over such disturbing incidents. He sent a email to the local police station, but for some reason, it was not recorded as a First Information Report.

13. While the de-facto complainant, an independent local witness, has clearly stated that it was some other person who had shot the said victim, after several days of studied silence, the victim decided to make a statement before a Magistrate that it was the petitioner who had shot him.

14. It is indeed quite surprising that the version given by a local witness, which was accepted as the First Information Report by the said police, is now being contradicted, after a passage of time, by the victim himself.

15. It is also significant to note that after going through the relevant portions of the video recordings produced by both the parties as regards the petitioner coming out of his residence and going towards the place of occurrence with his security guards and associates, it appears that they do not show that the petitioner was carrying any gun, at least in his hands.

16. However suspicious may be the subsequent statement of the victim given before the Learned Magistrate, after passage of considerable time, especially when juxtaposed with the earlier statement of the de-facto complainant who was apparently an impartial local witness, such contradictions may perhaps be a good ground in considering an application for bail or anticipatory bail, but a criminal proceeding cannot be quashed by simply by disbelieving the subsequent statement of the victim and by relying

on the prior statement of the de-facto complainant. These are matters that can best be dealt with by the Trial Court, once and if a trial ensues.

17. The Trial Court would surely be better placed to decide upon the veracity of the two versions and would be well within its powers to haul up the person giving out the false version in accordance with law.

18. In view of the above discussions and considering the materials available on record, this Court does not find any clinching material, at least at this stage, so as to quash the impugned proceeding.

19. However, in view of the gravity of the present allegations and counter-allegations and in order to ensure a fair investigation in the face of appearance of contradictory evidence in a case with political overtones, let the investigation be conducted further by a Special Investigation Team headed by Mr. Muralidhar Sharma, an officer of repute, who is presently posted as the Commissioner of Police, Barrackpore Police Commissionerate.

20. Accordingly, the revisional application is dismissed, albeit, without any order as to costs.

21. However, in view of the petitioner's contention that he is being penalized for shifting political allegiance and in view of the interim protection granted by the Hon'ble Apex Court in some of such cases and considering the vital contradiction between two statements about the role of the petitioner in the instant case, the petitioner shall be at liberty to pray for anticipatory bail and for such purpose, he shall not be arrested in connection with the present case for a period of 6 weeks.

22. So far as the writ petition is concerned, it appears that the petitioner had presented a version contrary to the instant First Information Report already lodged. Therefore, the petitioner cannot be denied of the counter version being recorded as another First Information Report, at least on the ground that it was a second First Information Report on the selfsame facts. Clearly, the two are counter versions.

23. However, here an FIR is already in existence and there is some investigation done there. Articles were seized and witnesses were examined.

24. It is true that the petitioner's complaint containing a counter version also makes out a cognizable case. But, the existing law [Section 173 (1) (ii) of the BNSS] requires that if a complaint is sent to the local police through email, the same can be acted upon only if the sender signs on the complaint in question within three days of sending it.

25. In the instant case the petitioner apparently did not sign the written complaint sent by him through email.

26. Therefore, the police cannot be faulted for not acting on such unsigned complaint sent through email.

27. In view of the above, I do not find any merit in the application for registration of an FIR on a purported complaint made by the petitioner and sent through email, but not signed upon within the stipulated time. Accordingly, the writ petition is dismissed, however, without any order as to costs.

28. However, in view of raising of the issue before this Court, the petitioner shall be at liberty to file a fresh complaint/FIR in this regard and the question of limitation if any shall be dealt with by the Court/authority leniently and in accordance with law.

29. With these observations and directions, the criminal revision and the writ petition are disposed of.

30. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)