

**27.03.2026**

Sl. No.435.

D/L.

Mithun.

Ct.No.29.

**CRR/1688/2025**

**Dhritiman Ghosh**

**Vs.**

**The State of West Bengal & Anr.**

Mr. Imtiaz Ahmed,  
Mrs. Ghazala Firdaus,  
Mr. Jayanta Das,  
Mr. Sk. Saidullah,  
Mr. Mithun Mondal,  
Mr. Md. Arsalan

...for the petitioner

Mr. Arup Krishna Das,  
Mr. Rajarshi Ghosh,  
Mr. Sanjoy Ghosh

...for respondent no.2

Mr. Debasish Roy, Ld.P.P.  
Ms. Amita Gour, Sr. Govt. Adv.,  
Mr. Kunal Ganguly

...for the State

Supplementary affidavit filed on behalf of the petitioner is taken on record.

The petitioner herein has preferred the instant application praying for quashing of the entire proceeding being G.R. Case No.2392 of 2023 presently pending before learned Additional Chief Judicial Magistrate, Baruipur.

The allegation levelled against the petitioner is that the *de facto* complainant had been receiving wrong proposal with vulgar words from the petitioner through message from the petitioner's mobile who was his neighbour but presently residing in other State in India. On the basis of said written complaint, the investigation started and after completion of

investigation police submitted charge sheet against the petitioner under Sections 500/509/506 of the Indian Penal Code.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioner submits that during investigation police has not seized that device nor has collected any document in support of their contention that the obnoxious messages were sent from the mobile of the petitioner nor it has come during investigation that the alleged device is owned by the petitioner from which the messages were sent to the victim. Therefore, further continuance of the impugned proceeding shall be mere abuse of the process of law.

Learned Counsel for the opposite party at this stage submits that he wants to make a prayer for further investigation under Section 193(8) of the BNSS before the Court below as the Investigating Agency has not done the investigation in right direction.

In view of such submission made by the petitioner, the instant application being CRR 1688 of 2025 is hereby disposed of giving liberty to the opposite party no.2 to make prayer for further investigation before the Court below within a period of two weeks.

In the event of filing such application by the opposite party no.2 before the Court below, he will dispose of his prayer in accordance with law within a period of six weeks thereafter.

The impugned proceeding shall remain stayed till the disposal of the further investigation prayer proposed to be made by the opposite party no.2 herein.

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

**( Dr. Ajoy Kumar Mukherjee, J. )**

