

12.09.2025
SL No.16
Court No.16
(gc)

MAT 997 of 2025
CAN 1 of 2025
CAN 2 of 2025

XXX & Anr.
Vs.
Smt. Malabika Saha & Ors.

Mr. Biswabrata Basu Mallick, A.G.P.
...for the State.
Mrs. Malabika Saha
... Respondent no.1 (In-person).
Mr. Debashis Banerjee,
Mr. Rakesh Jana
...for the Respondent No.2.

1. We are *prima facie* of the view that the writ petitioner, Smt. Malabika Saha having already filed several applications for quashing of criminal complaints under Section 482 of the Cr.PC. corresponding to Section 528 of BNSS cannot simultaneously pursue remedies under Section 226 of the Constitution of India. Moreover, these two parallel proceedings may result in conflicting orders and judgments. We are informed that the case diary has already been called for by the Hon'ble Justice Tirthankar Ghosh.
2. In view thereof, we are of the view that both the matters are required to be heard by one Single Bench to avoid any conflict of opinion.

3. However, the protective order passed in WPA 13107 of 2025 shall continue for a period of two weeks from date.
4. We make it clear that we have not gone into the merits of the matter.
5. The matter shall be placed before the Hon'ble the Chief Justice for appropriate assignment.
6. The appeal and the connected applications are disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)