

12.9.2025
Sl. 9
Moumita
Court No.22

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

CRR 3246 of 2025

**In the matter of : Rekha Devi
.....Petitioner**

Mr. Apurba Kumar Datta
Ms. Sreemoyee Mukherjee

.... Petitioner

Mr. Joydeep Roy, Jr. Govt. Adv.
Mr. Dipankar Paramanick

....State

1. The learned Counsel for the petitioner has come before this Court seeking to quash an order issued by the learned Chief Judicial Magistrate, Paschim Bardhaman at Asansol, dated June 16, 2025. The application is related to Hirapur Police Station Case No. 136 of 2025.
2. The learned counsel submits that the police, upon receiving the petitioner's complaint, initiated a case under a lesser section of the Bharatiya Nyaya Sanhita (BNS) than what the facts warrant for the higher section. He specifically points out that the police registered the case under Section 115(2), despite the complaint justifying a more serious charge under Section 119(1). The counsel further informs the Court that a petition was previously

filed before the learned Chief Judicial Magistrate, who, on June 16, 2025, rejected it for lack of merit.

3. The learned advocate for the State has opposed this application, arguing that it is premature as the investigation is still ongoing. One cannot assume that chargesheet would be filed under lesser sections.
4. This Court has perused the record and finds merit in the State's submission. The investigation into the matter has not yet been concluded. It is a well-settled principle that this Court should not interfere with the police's discretion in an ongoing investigation, particularly concerning which sections of law to be applied. Such a determination is contingent upon the evidence gathered during the course of the investigation, and it would be premature for this Court to intervene at this stage.
5. Therefore, this application is found to be pre-matured and is not maintainable in the eye of law at this juncture. Accordingly, CRR 3246 of 2025 is hereby dismissed.
6. There shall be no order as to costs.
7. The parties are entitled to obtain urgent photostat certified copies of this order, subject to compliance with all necessary formalities.

(Uday Kumar, J.)

