

22.09.2025

Court No. 35

D/L. No.73

Rakib

W.P.A. 21912 of 2025

**Bhagwati Iron Centre Pvt. Ltd. &
Ors.**

VS

The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay

Mr. Ashok Kr. Singh

Mr. Pritom Das

Mr. Madhusudan Sardar

Ms. Pritilata Sardar

... for the Petitioners.

Mr. Dipanjan Datta, Sr. Govt. Adv,

Mr. Paromita Malakar Dutta

... for the State.

Mr. Amitabha S.

...for respondent no.3

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

Petitioners have approached this Court for quashing of Narendrapur PS case no.903/25 dated 03.08.2025. The said case was under Sections 127(2) / 303(2) /74 / 308(2) / 351(2) / 3(5) of BNS. Learned advocate appearing for the petitioners submit that the respondent no.3 was an employee of the present petitioner company and there were siphoning and/or illegally removal of funds from the company's accounts and in spite of the same the respondent no.3 circumvented and surreptitiously was successful in initiating criminal cases. The police authorities pursuant to the directions passed by the learned Magistrate was pleased to register Narendrapur Police Station case no. 903/25 dated 03.08.2025. Petitioners further claim that although, there has been financial loss of the petitioner

company, the petitioner company and its Directors have been implicated in connection with the aforesaid case.

Learned advocate appearing for the respondent no.3 submits that the petitioners also preferred an application under Section 175(3) of the BNSS, however, the prayer for investigation has been dismissed and the same has been treated to be a private complaint under Section 223 of the BNSS and the learned Magistrate is in seisin of the issue. There is a case and counter case, police is investigating the case.

Police authorities are investigating presently a case of extortion and coercion at the behest of the petitioner. There are documents which have been enclosed of several banks from where the petitioner intends to establish that amounts have been transferred. However, on an assessment of the same, I am of the view that at this stage it would not be fit and proper to assess regarding the veracity of the documents. If there has been siphoning of funds at the behest of the respondent no.3 who has been successful in initiating the criminal investigation then the same would surface at the end of the investigation while the report under Section 193 of BNSS is to be filed. It would be premature and tilted approach of the Court, in case any opinion is expressed by the Court at this stage when the process of investigation is continuing. In the fitness of circumstances, I direct that the investigating officer would

investigate the case by taking into account the contention of the petitioners also relating to siphoning of accounts vis-a-vis the allegations of extortion and coercion as made by the de-facto complainant.

At this stage it would be premature to interfere with the case made out in the writ petition as the same would be prejudging the conclusion of investigation as prima facie a case has been made out for investigation. Whether at the conclusion of investigation any charge-sheet can be filed or not, that is the exclusive domain of the investigating agency. Petitioners would be at liberty approach this Court, in case the investigating agency files a charge-sheet against them under Section 193 BNSS.

With the aforesaid observations WPA 21912 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

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

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

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

(Tirthankar Ghosh, J.)