

WPA 23751 of 2025

Mohammad Sharif Nawaz Khan
Vs.
The State of W. B. & Ors.

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak ...for the petitioner.

Mr. Jayanto Samanta
Mr. Manoj Kr. Mondal ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that Ms. Roquiya Khatoon who is the wife of the petitioner filed a divorce case by forging the signature of the petitioner in the document demonstrating consent of the petitioner. The petitioner says that such consent for divorce was not given by him. The petitioner lodged complaint under Section 175(3) of the BNSS and on a preliminary enquiry held in this regard SGT (I) Ekbalpore PS, Rakesh Kumar Chaubey submitted a report before the learned Magistrate on 11th August, 2025 which spells out that the petitioner prepared/manufactured/forged a marriage certificate and used the same as genuine for the purpose of humiliating the reputation of his wife and others. However, the learned Court did not accept the said report and directed registration of FIR.

Surprisingly, the same police officer Rakesh Kumar Chaubey was directed to investigate the case.

The petitioner apprehends that the police officer who submitted an adverse report against him shall not investigate the case impartially and dispassionately. The petitioner seeks change of the investigating officer.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the police officer who submitted an adverse report against the petitioner may not be expected to investigate the complaint lodged by the petitioner independently and impartially. In order to have a fair and neutral investigation, the investigation of the case be made over to any officer of Ekbalpore PS. superior to Rakesh Kumar Chaubey. The said officer shall conduct the investigation impartially and dispassionately in accordance with law.

With the above directions and observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)