

WPA 24721 of 2025

Pradeep Kumar
Vs.
The State of W. B. & Ors.

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Ms. Sagnika Banerjee
Mr. Soumya Raha ...for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Kaushik Barman ...for the State.

Sk. Samiul Haque
Md. Shamimuddin ...for the private respondent.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The primary allegation of the petitioner is that the counter complaint lodged against him by the mother of the principal assailant in the complaint lodged by the petitioner, was registered without conducting a preliminary enquiry as to whether prima facie case was made out, in terms of Section 173(3) of the BNSS.

It appears from the copy of the complaint lodged by Aajia Bibi that the complaint was registered on 25th October, 2025 at 19.25 hours and Sonarpur PS case no. 1556 of 2025 was started on the same date. There is no reflection in the report submitted by the State that preliminary enquiry was conducted in terms of Section

173(3) of the BNSS prior to registration of the complaint. The allegations pertain to offences punishable below 7 years.

Without going into any other aspect of the complaint, this Court inclined to hold that the FIR registered in violation of the provision laid down under Section 173(3) of the BNSS cannot be allowed to continue since allowing such FIR shall amount to sheer abuse of the process of the Court.

Upon such consideration, the FIR registered as Sonarpur PS case No.1556 dated 25th October, 2025 is quashed.

The police authority is directed to conduct investigation in respect of Sonarpur PS case no.1551 of 2025 dated 24th October, 2025 and take the same to its logical conclusion in accordance with law.

The writ petition is disposed of accordingly.

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.)