

21.04.2026
16 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 8332 of 2026

Dibyendu Sar
-Versus -

State of West Bengal & Ors.

Mr. Mritunjoy Chatterjee
Mr. Imdadul Hoque
.....for the petitioner

Ms. Deboleena Ghosh
.....for State respondents

Mr. Abhrajit Roy Chowdhury
..for the private respondent

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition, petitioner has prayed for quashing of criminal prosecution being Ultadanga Police Station Case No. 23 of 2026 dated 11th March, 2026 which was initiated under sections 126(2)/115(2)/118(1)/351(2)/54 of the Bharatiya Nyaya Sanhita, 2023.
3. From the submission made on behalf of the petitioner it appears that the complaint dated 11th March, 2026 of respondent no. 4 is genesis of initiation of aforesaid criminal proceeding.

4. On perusal of said complaint dated 11th March, 2026, it appears that it ought not to be inferred that no cognizable offence was brought to the notice of the investigating agency. In this regard, reliance is placed on paragraph 33 of **Neeharika Infrastructure Private Limited Vs. State of Maharashtra & Ors., reported in (2020) 10 SCC 118** wherein it was succinctly held that court would not thwart any investigation into the cognizable offences and it is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report then the Court will not permit an investigation to go on. It was further held that power of quashing should be exercised sparingly with circumspection and in rarest of rare cases.

5. In view of law laid down by the Supreme Court in **Neeharika Infrastructure Private Limited** (supra) and taking note of the contents of complaint dated 11th March, 2026 lodged by the respondent no. 4, Court does not find it apt to interfere with this writ petition thereby quashing FIR.

6. Hence, writ petition stands dismissed.

7. Urgent photostat certified copy of this order, applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)