05.10.2026
Sl. No.A 26
Ct. No.237
S.A.

CRR 2204 of 2026

Farah Hayat Khan
- vs-
The State of West Bengal & Anr.

Mr. Sabyasachi Chatterjee
Mr. Imtiaz Akhtar
Mr. Badrul Karim
Mr. Aritra Ghosh
Mr. Kiron Sk.

...for the petitioner

Mr. Kallol Mondal
Mr. Sunil Gupta

...for the State

The petitioner seeks quashing of C.G.R. No. 907 of 2026 in connection with Bhawanipore Police Station Case No. 84 dated March 23, 2026, under Sections 319(2), 336(2), 338, 339, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 12(1)(b) of the Passport Act, 1967, pending before the learned Additional Chief Judicial Magistrate, Alipore.

It appears that the petitioner applied for re-issuance of her passport before the Regional Passport Office in Kolkata, by an application dated October 14, 2025.

Following the application made by the petitioner, the police undertook an enquiry. In the course of the enquiry, it transpired that the petitioner had relied upon a birth certificate bearing Registration No. B-2024:9-61850-007817, dated August 17, 2016, issued by the Registrar (Birth & Death), Community Health Centre, Dostpur, Uttar Pradesh.

During the enquiry, on November 15, 2025, the police sent an e-mail to the Superintendent, Community Health Centre, Dostpur, Sultanpur, Uttar Pradesh, PIN-228131, seeking verification of the birth certificate and its authenticity. On November 17, 2025, a reply was received from the Superintendent, Community Health Centre, Dostpur, Uttar Pradesh, indicating that the said birth certificate in the name of the petitioner had not been issued from their office.

It further appears that, on November 18, 2025, a requisition was sent to the said Superintendent for verification of the birth certificate and its authenticity. Again, on December 9, 2025, a reply was received from the said Superintendent, which indicated that the birth certificate had not been issued by the Community Health Centre, Dostpur, Uttar Pradesh.

In the aforesaid background, the said Enquiry Officer lodged a suo motu F.I.R. before the Officer-in-Charge, Bhawanipore Police Station, Kolkata, which was registered under Sections 319(2), 336(2), 336(3), 338, 339, 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, and under Section 12(1)(b) of the Passport Act, 1967.

The petitioner has filed the present application seeking quashing of the said F.I.R.

Mr. Sabyasachi Chatterjee, learned advocate appearing for the petitioner, submits that a plain reading of the F.I.R. does not disclose the ingredients of the alleged offences. Therefore, it is submitted that the present F.I.R. should be quashed. In support of his submission, Mr. Chatterjee has relied upon the judgment reported at **(2024) 11 SCC 733 (*Mariam Fasihuddin v. State*)** and placed reliance on paragraphs 19, 20, 21 to 24, 31 and, particularly, paragraph 40.

It is submitted that if the F.I.R. does not disclose the ingredients of the alleged offence, no criminal proceeding should be permitted to continue.

While there can be no quarrel with the proposition of law advanced by Mr. Chatterjee, having regard to the facts and circumstances of the case, however, I do not find any relevance of the said judgment to the present case. Here, the first information report does, no doubt, disclose an alleged cognizable offence. It also reflects that the steps taken by the complainant prima facie clearly reveal that the birth certificate produced by the petitioner for renewal of her passport was not a genuine one. The matter is being investigated by the competent police authority, and it is not desirable that, at this juncture, the investigation should be terminated on the ground that the F.I.R. does not disclose any cognizable offence.

Mr. Chatterjee argues that a writ petition is pending before this Court wherein he has prayed for a direction upon the Passport Authority for renewal of her passport. It is submitted that the outcome of the present proceeding would have a bearing on the said writ petition. Therefore, both the applications should be heard together.

I do not find any justification for such a course. The petitioner has sought quashing of the proceeding. The present revisional application must be decided on its merits, regardless of the pendency of the aforesaid writ petition.

Accordingly, **CRR 2204 of 2026** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, *J.*)