

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :- Hon'ble Justice Saugata Bhattacharyya

WPA 14167 of 2026

Farjana Parvin & Anr.

Vs.

The State of West Bengal & Ors.

For the writ petitioners	:-	Mr. Ranadeb Sengupta, Adv. Ms. Subasri Chatterjee, Adv. Mr. Amaan Deep Gupta, Adv. Mr. Soumyadip Maity, Adv.
For the State	:-	Mr. Suryaneel Das, Id. AGP Ms. Suchitra Sinha Chatterjee, Adv. Ms. Sumita Sarkar
Heard on	:-	01.07.2026.
Judgment on	:-	01.07.2026.

Saugata Bhattacharyya, J.:-

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. It is submitted by learned advocate representing petitioners that on two counts present writ petition was instituted, first praying for direction upon the concerned police authorities to register FIR based on the complaint lodged by petitioners against respondent no.7 and to quash FIR which was registered pursuant to the complaint lodged by respondent no.7 against petitioners which gave rise to criminal prosecution, being Matia Police Station Case No.299 of 2026 dated 13th June, 2026. In same breath, it is also submitted on

behalf of petitioners that after filing this writ petition on 22nd June, 2026, complaint of petitioners was transformed into an FIR, being Matia Police Station Case No.316 of 2026 dated 22nd June, 2026.

3. State respondents are represented by Mr. Suryaneel Das, learned Additional Government Pleader, who has filed a communication dated 29th June, 2026 of Inspector-in-Charge of Matia Police Station and same is taken on record. Copy of the said communication dated 29th June, 2026 is made over to learned advocate representing petitioners.

4. It is disclosed in the said communication dated 29th June, 2026 that today there are two separate criminal prosecutions, one was initiated based on complaint lodged by respondent no.7 and another was initiated based on complaint lodged by petitioners. It is also stated in the said communication that steps are being taken in connection with aforesaid two criminal prosecutions for completing the investigation and filing reports.

5. Taking note of submission made on behalf of petitioners, it appears that their grievance relating to failure on the part of concerned police authorities to register FIR stands redressed since on 22nd June, 2026 by registering FIR, criminal prosecution was initiated against respondent no.7. However, submission is made on behalf of petitioners seeking issuance of Mandamus for quashing of criminal prosecution, being Matia Police Station Case No.299 of 2026 dated 13th June, 2026, which was initiated based on the complaint lodged by respondent no.7 against petitioners.

6. If Court accepts submissions made on behalf of petitioners relating to quashing of FIR, in that event a situation would arise where out of aforesaid two parallel criminal prosecutions, one would die which was initiated based on complaint of respondent no.7 against petitioners, but another criminal prosecution, being Matia Police Station Case No.316 of 2026 dated 22nd June, 2026 which was initiated based on the complaint made by petitioners will be proceeded with. Court finds when there are two parallel proceedings, those proceedings are required to be brought to logical conclusion by completing investigation.

7. If petitioners apprehend that there will be coercive steps against them, they may approach appropriate forum under Section 482 of BNSS, 2023 seeking pre-arrest bail.

8. Reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2021) 19 SCC 401 (Neeharika Infrastructure Private Limited vs. State of Maharashtra and Others)**. Paragraph 33.16 runs infra:-

“33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 CrPC and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court,

the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438 CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India."

9. In aforesaid consideration and in view of availability of remedy to the petitioners to approach appropriate forum under Section 482 of BNSS, 2023, Court is not inclined to interfere with criminal prosecution, being Matia Police Station Case No.299 of 2026. Therefore, prayer of the petitioners for quashing of Matia Police Station Case No.299 of 2026 dated 13th June, 2026 stands negated.

10. Writ petition stands disposed of.

11. Urgent photocopy of the certified copy of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)