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jdt. 27.01.2026
jb.

WPA 28668 of 2025
(Haider Ali Khan & Ors. vs. State of West Bengal & Ors.)

Mr. Rajdeep Majumder
Mr. Purbayan Chakraborty
Mr. Sayan Mukherjee
Khadijatul Kubra

.... For the Petitioners

Mr. Suddhadeb Adak
Mr. Partha Sarathi Sensharma

.... For the State

Tarique Quasimuddin
Zainab Tahir
Firdaush Ahmed

.... For the Respondent no. 3

The first petitioner is the husband of the third respondent and seeks quashing of the FIR lodged against him under Sections 61(2)/85/351/316(2) of the BNS and Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that no preliminary enquiry was held by the police in terms of the mandate laid down by the Hon'ble Supreme Court prior to the registration of the FIR. No part of the cause of action arose within the State of West Bengal. Learned counsel relies on the judgment of a co-ordinate Bench of this Court delivered on 2nd December, 2021 in CRR 1534 of 2021 and an order passed by this Court on 14th November, 2025 in WPA 24721 of 2025.

Learned counsels for the State and the private respondent also concede to the fact that no part of the cause of action arose within the State of West Bengal. Learned counsel for the State submits that upon registration of FIR, only a notice has been issued upon the petitioners under Section 35(3) of the BNSS. The petitioners are on bail.

Admittedly no preliminary enquiry was held by the police authority prior to the registration of the FIR in terms of Section 173(3) of the BNS as well as the mandate laid down by the Hon'ble Supreme Court. Also, no part of the cause of action has arisen within the State of West Bengal. Parties are admittedly residents of Uttar Pradesh and the entire cause of action has arisen therein.

In view of the above, this Court is inclined to hold that Jorasanko Police Station has no authority to commence/continue with the investigation. The investigating officer is directed to take necessary steps for causing an investigation by the appropriate authority.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)