08.10.2026

DL/28
Ct. No. 758

Mujahid,
A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Case No.

WPA 53 of 2025

In the matter of :

Sachin Patil

... Petitioner

VS.

The State of West Bengal & Ors.

... Respondents

For the petitioner :

Mr. Akash Ganguly
Mr. Huzaifa Shahid
Mr. Amaan Deep Gupta

... Advocate

For the Respondents / State :

Mrs. Sudiapa Banerjee
Ms. Subhamita Ghosh

... Advocate

1. The petitioner has, *inter alia*, prayed for quashing of Burrabazar P.S. Case No. 161 of 2024 dated 22nd August, 2024 registered for investigation into the offences punishable under Sections 420/406 of the IPC.

2. The petitioner's contention is that the bare perusal of the FIR would reveal that the essential ingredients of the offences of cheating and criminal breach of trust is absent in the present case and as such the FIR must be quashed.

3. A report was called for from the State.

4. Mrs. Banerjee, learned Advocate appearing for the State has submitted a report dated 6th October, 2026 wherefrom it appears that upon investigation of the said case, the Investigating

Officer of the case has already submitted a Charge-Sheet No. 161 of 2025 on 26th June, 2025 before the Court of Learned Magistrate. It is submitted that the cognizance of the offence has been taken pursuant to submission of the charge-sheet before the learned trial court.

5. In light of the Supreme Court judgments reported in ***2025 INSC 1249 - Rajendra Bhiharilal vs. State of UP*** (paragraph 66-68, 71 and 88), ***2025 INSC 8 – Kim Wansoo vs. State of UP*** (paragraph 6) and ***(2026) 6 SCC 813 – Pradnya Pranjal Kulkarni vs. State of Maharashtra*** (paragraph 8), it is now well settled that once charge-sheet is submitted and the learned trial court has taken cognizance of the offence, any writ petition under Article 227 of the Constitution before the High Court is not maintainable for quashing of the said proceedings.

6. In light of the aforesaid settled principles of law, the present writ petition is no longer maintainable and accordingly disposed of, by granting leave to the petitioner to approach the competent court in accordance with law.

7. It is clarified that this Court has not gone into the merits of the averments made in the writ petition.

8. Accordingly, WPA 53 of 2025 is disposed of without any order as to costs.

9. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

10. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Anuj Singh, J.)