

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 76 of 2026

Lalchand Hossain @ Rashik Rahaman

Vs.

State of West Bengal & Anr.

For the petitioner : Mr. Avishek Singh

Heard on : 20/03/2026

Judgment on : 20/03/2026

Jay Sengupta, J.:- This is an application for quashing of proceeding in Dinhata P.S Case No. 23 of 2025 dated 15/01/2025 under Sections 103(1)/61(2) of the BNS.

Learned counsel appearing for the petitioner submits as follows. The petitioner is challenging the second FIR lodged in connection with the same incident. He submits that during a scuffle, two persons lost their lives. Yet, one FIR has been filed by the mother of one of the victims and the other one by the wife of the other victim.

Upon perusal of the two FIRs, it appears that they give contradictory/opposing versions relating to the deaths of two individuals belonging to adverse sides.

The law is very clear on this. Where there are contradictory or opposing or different versions given of an incident, then these are to be treated cross or counter FIRs and both FIRs would be maintainable and would be investigated. On this, reliance is placed on the decision in ***Upkar Singh versus Ved Prakash & Ors. reported at (2004) 13 SCC 292.***

In view of the above, I do not find any merit in this application.

Accordingly, the revisional application is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)