

06.05.2026

Sl. No.35.

D/L.

Mithun.

Ct.No.29.

CRR/1350/2026

Animesh Paul & Anr.

Vs.

The State of West Bengal & Anr.

Mr. Sabyasachi Chatterjee,
Mr. Sabab Uddin Laskar

...for the petitioners

Petitioners herein have prayed for quashing of the proceeding being Berhampore Police Station Case No.2136 of 2025 under Sections 85/3(5) of the BNS, 2023.

Being aggrieved by the aforesaid proceeding, learned Counsel for the petitioners submits that the allegation levelled in the complaint and the materials collected during investigation even if they are accepted in its entirety, do not constitute offence under Section 85 of the BNS. Moreover, the statement recorded under Section 180 of the BNSS is materially inconsistent with the allegations made in the FIR. Therefore, further continuance of the impugned proceeding would be mere abuse of the process of the Court.

Having heard learned Counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of application upon the State through the office of Public Prosecutor, High Court, Calcutta and upon opposite party no.2 through speed post

intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed in the Monthly List of July, 2026.

Learned Counsel for the petitioners also prays for interim relief.

Having heard learned Counsel for the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let the impugned proceeding being G.R. Case No.6709 of 2025 presently pending before learned Chief Judicial Magistrate, Berhampore, Murshidabad be hereby stayed for a period of 12 weeks or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)