

19.05.2026
38.
Bd.
Ct. 29

CRR 2072 of 2026

Anish Agarwal

Vs.

The State of West Bengal & Anr.

**Mr. Apalak Basu
Mrs. Smita Mukherjee
Ms. Sanghamitra Mridha
Ms. Saheli Bose ... for the petitioners.**

In the instant application the petitioner has prayed for quashing of the proceeding being GR Case No. 695 of 2024 arising out of Kharagpur, All Women Police Station Case No. 48 of 2024 under sections 85/115(2)/79/316(2)/3(5) of the BNS, 2023 read with sections 3 / 4 of the Dowry Prohibition Act.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that the petitioner is absolutely innocent and has been falsely implicated in the instant case by the opposite party no. 2 with a malicious intention of harassment by oppression. He further submits that it is well settled that taking cognizance is not an empty formality as it has a far reaching impact on personal life and reputation.

In the instant case the charge-sheet has been submitted against the petitioner under sections 85/115(2)/79/316(2)/3(5) of the BNS, but the court below by the impugned order dated 25.3.2026 had taken cognizance of offence under sections 126(1)/115(2)/74/79/351(2)/3(5) of BNS in respect of

which no allegation has been made in the complaint nor any investigation has been done by the investigating agency to that extent. Therefore, order of taking cognizance itself is bad in law and is liable to be set aside.

Having heard learned counsel for the petitioner, the application stands admitted.

Petitioner is directed to serve a copy of application upon the opposite party no. 1/State through the office of the Public Prosecutor, High Court, Calcutta and upon the 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 under the heading "Contested Application" in the monthly list of July, 2026.

Petitioner also prays for interim relief.

Having heard learned counsel for the petitioner and that there is apparent anomaly in the order dated 25.03.2026 by which the court below has taken cognizance of the offence, the impugned order dated 25.03.2026 is hereby stayed for a period of twelve weeks from date or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)