

WPA 15524 of 2026

Md. Anwar Khan
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Ganguly
Mr. Soumya Nag
Mr. Rajdeep Sengupta
Ms. Deblina Ghosh
...for the petitioner
Mr. Debasish Choudhuri
Mr. Bikash Chandra Das
...for the State

1. In terms of previous order affidavit of service filed on behalf of the petitioner is taken on record.
2. Though respondent no. 5 was served with notice, but in spite of making attempt respondent no. 6 is yet to be served.
3. By presenting this writ petition, *inter alia*, two criminal prosecutions namely Taratala P.S. Case No. 75 of 2026 dated 28th June, 2026 and Taratala P.S. Case No. 76 of 2026 dated 28th June, 2026 are assailed.
4. Mr. Sandipan Ganguly, learned senior advocate representing petitioner has drawn attention of this Court to two respective complaints being genesis of aforesaid two criminal prosecutions both dated 28th June, 2026.

5. In reference to these two complaints it is submitted that in connection with alleged incident of demanding money by the petitioner which took place on 29th December, 2024 and payment of sum on 20th February, 2025, complaints were lodged on 28th June, 2026. It is submitted that petitioner belongs to a particular political party and is Councilor of Kolkata Municipal Corporation, after declaration of result of Assembly Election, 2026 on 4th May, 2026 in order to unleash political vendetta such frivolous complaints were lodged.
6. State respondents are represented by Mr. Debasish Choudhury, learned advocate who has opposed this writ petition and it is submitted once criminal prosecutions are initiated against the petitioner, investigating agencies are required to be granted opportunity to complete investigation and file report before jurisdictional Magistrate.
7. Having taken note of the submissions made on behalf of respective parties and contents of complaints dated 28th June, 2026 it appears that contemporaneously *de facto* complainants did not take steps by lodging complaint before the concerned police authorities alleging demand of money by the petitioner.

8. In the complaint of Bikash Kumar Singh being respondent no. 5 it has been alleged on 29th December, 2024 petitioner demanded money illegally and in complaint of one Sujit Balmiki being respondent no. 6 it has been alleged that on 20th February, 2025 petitioner accepted money being councilor whereas complaints were lodged more than one year thereafter giving rise to aforesaid criminal prosecutions.

9. Considering circumstances center around aforesaid two FIRs and the criminal prosecutions initiated thereto, Court finds it apt to rely upon judgment of the Hon'ble Supreme Court reported in **(2024) 15 SCC 776 (Haji Iqbal Alias Bala Through S.P.O.A. vs. State of Uttar Pradesh and Others)**. In paragraph 14 of **Haji Iqbal** (*supra*) it was succinctly held by the Hon'ble Supreme Court that it will not be just enough for the Court to look into the averments made in the FIR/ complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due

care and circumspection try to read in between the lines. It was also observed that Court while exercising jurisdiction under Section 482 of the Code of Criminal Procedure and Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/ registration of the case as well as the materials collected in the course of investigation.

10. At this stage, Court is contemplating to pass an interim order in consideration of balance of convenience and inconvenience. When complaints are lodged after long time considering date of alleged offence, moreover complaints are lodged after declaration of result of West Bengal Assembly Election, 2026 on 4th May, 2026, it is found apt to direct the concerned police authority not to take coercive steps against the petitioner. Prima facie it appears petitioner is political person and to unleash political vendetta such complaints may have been filed. However, veracity of the complaints are not required to be looked into by this Court at this stage.

11. Concerned police authorities are directed not to take coercive steps against the petitioner till 30th November, 2026 or until further order whichever is earlier. However, petitioner shall

cooperate with the investigation and appear before the Investigating Officer pursuant to the notices to be issued to the petitioner.

12. Leave is granted to the State respondents to bring it to the notice of this Court in the event petitioner does not cooperate with the investigation for vacation or variation of the order passed today.

13. List the matter under the same heading for further consideration on 19th November, 2026.

14. On the next date concerned police authority shall file a list of other criminal prosecutions, if any pending against the petitioner.

15. Officer-in-Charge, Taratala Police Station being respondent no. 4 is directed to make an attempt to serve copy of the writ petition and order passed today upon respondent no. 6 since it is submitted on behalf of the petitioner that in spite of making attempt respondent no. 6 could not be served.

16. Learned advocate for the petitioner is directed to supply copy of the writ petition and order passed today to Officer-in-Charge, Taratala Police Station being respondent no. 4 by 7 (seven) days from date.

(Saugata Bhattacharyya, J.)