

02 07.07.2026
Rkd Ct.05

W.P.A. 15488 of 2026

Sayer Banu Molla

-vs-

The State of West Bengal & Ors.

Mr. Kishore Datta,
Sk. Salim Rahaman,
Md. Mosiar Rahaman,
Mr. Torsa Min Bahar,
Mr. Arif Hossain,
Mr. Subhankar Mondal

....for the petitioner.

Mr. Rajdeep Mazumder,
Mr. M. M. Ghosh

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition, *inter alia*, petitioner being wife of accused person has prayed for quashing of criminal prosecution being Jibantala Police Station Case No.536/2026 dated 15th June, 2026 under Sections 363 /365 /323 / 325 /354C /376D /506 of IPC and under Sections 25/27 of Arms Act, 1959.
3. Mr. Datta, learned senior advocate representing the petitioner submits that petitioner's husband at present is in custody but the husband of the petitioner was paraded publicly by the concerned police authorities which is impermissible.
4. Drawing attention of this Court to the complaint

which was received by the concerned police authority on 15th June, 2026 it is submitted that there are certain lacunae in the complaint with regard to particulars which are required to be disclosed and said complaint according to the petitioner is frivolous.

5. Mr. Mazumder, learned Additional Advocate General representing the State respondents has filed a communication dated 7th July, 2026 of Officer-in-Charge, Jibantala Police Station and same is taken on record.
6. It is submitted on behalf of the State respondents that petitioner was not publicly paraded but petitioner was taken to the place of occurrence for the sake of investigation on 2nd July, 2026 which could not be done due to congregation as a result whereof on the next date that was on 3rd July, 2026 petitioner was taken again to the place of occurrence for investigation.
7. Having considered the submissions made on behalf of the parties and taking note of the complaint which was received by the concerned police authority dated 15th June, 2026, it appears that offence complained of is serious in nature

requiring investigating agency to look into it by making investigation in accordance with law.

8. Taking note of the contents of the complaint, Court is not inclined to interfere with the present writ petition since it is trite that power of this Court under Article 226 of the constitution of India to interfere in a writ petition seeking quashing of criminal prosecution needs to be exercised sparingly and not in a routine manner.
9. In addition thereto, petitioner has an alternative remedy to approach appropriate forum under Section 483 of BNSS, 2023 seeking bail as the husband of the petitioner is in custody.
10. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court, reported in **(2021) 19 SCC 401 (Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra & Ors.)**. Paragraph 33.16 runs *infra*:-

“33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 CrPC and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation

during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438 CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India."

11. In aforesaid conspectus and taking note of the offence complained of, criminal prosecution being Jibantala Police Station Case No.536/2026 dated 15th June, 2026 is not interfered with and the writ

petition is dismissed.

12. However, it is clarified that accused person shall not be paraded publicly as it amounts to violation of human rights.
13. This order shall not preclude the petitioner to approach appropriate forum in accordance with law.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)