

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO 22484 OF 2026

M/s. Urban Infra Nirman Private Limited & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Sanjay Banerjee,
Mr. Joydeep Bhattacharjee

....for the petitioners.

Mr. Ayan Bhattacharya,
Mr. Rajib Mullick,
Mr. Subham Chatterjee,
Ms. Sovia Mukherjee

....for the respondent no.4.

Mr. Arkaprava Sen,
Mr. Partha Banerjee

....for the State.

1. Matter is heard in presence of learned advocates representing petitioners, respondent no.4 and State respondents.
2. Propriety of FIR being Bidhannagar Electronics Complex Police Station Case No.262/2026 dated 27th July, 2026 is questioned by petitioner no.1 company, namely, M/s. Urban Infra Nirman Private Limited and one of its Directors, namely, Krishna Kumar Tiwari.
3. At the outset, preliminary point is agitated on behalf of respondent no.4 being defacto-complainant that present writ petition questioning aforesaid FIR by petitioner no.1 company is not maintainable since complaint was lodged by respondent no.4 against two Directors of petitioner no.1 company. In this regard, reliance is placed on order passed by Hon'ble Justice

Joymalya Bagchi on criminal revisional application being CRR 598 of 2017.

4. State respondents are represented by learned advocates.
5. Mr. Banerjee, learned advocate representing petitioners submits that order dated 22nd February, 2017 passed on CRR 598 of 2017 does not apply in the present case since in that matter notice under Section 41A Cr.PC was issued upon Managing Director and C.E.O. of the bank whereas bank authority approached Court with revisional application.
6. Having considered respective submissions made on behalf of parties and placing reliance on order dated 22nd February, 2017, it appears that in CRR 598 of 2017 in the context of criminal revisional application was filed by bank authority though notice was issued under Section 41A Cr.PC it was observed by the coordinate Bench that since notice was issued against C.E.O. on being aggrieved said C.E.O. ought to have approached Court and it was further observed C.E.O. and bank are separate and independent juristic persons.
7. In the present case, it has been rightly pointed out on virtual mode by learned senior advocate representing respondent no.4 being defacto complaint that based on complaint dated 27th July, 2026 aforesaid FIR was registered against two Directors of petitioner no.1 company, namely, Rajesh Goenka and Krishna Kumar

Tiwari but not against petitioner no.1 company; therefore, writ petition questioning propriety of FIR is not maintainable at the instance of petitioner no.1 company.

8. Since in the present writ petition petitioner no.1 company has questioned FIR along with one of its Directors same is not entertained and writ petition is dismissed.
9. However, this order shall not preclude Directors of petitioner no.1 company against whom FIR has been registered to take steps in accordance with law, if they feel aggrieved.
10. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)