

20.03.2023
Item No.17
Suman
Ct.42

CRR 4595 of 2022

M/s. T. K. Engineering Consortium Pvt. Ltd. and Ors.
Vs.
The State of West Bengal and another.

Mr. Abhratosh Majumder, Sr. Adv.
Mr. Sabir Ahmed
Mr. Avra Majumder
Mr. Suman Bhowmik
Mr. K. Roy
Ms. S. Biswas
.for the petitioners

Mr. Aniket Mitra
Mr. Pallav Choudhury
Mr. Naresh Balodia
....for the Opposite Party No.2

The petitioners have invoked the inherent jurisdiction of this Court with a prayer to quash a criminal proceeding being Bowbazar Police Station Case No. 296 of 2021 dated 9th November, 2021 under Sections 341/342/343/346/347/348/384/385/386/387/120B/197/198 of the Indian Penal Code presently pending before the learned Additional Chief Metropolitan Magistrate-II, Kolkata on the point of territorial jurisdiction of malicious prosecution.

It is submitted with reference to the application under Section 156(3) of the Code of Criminal Procedure which was treated as an FIR on the basis of an order

passed by the learned Magistrate that the entire incident took place at Sangram in the State of Arunachal Pradesh. The complainant has primarily lodged a complaint on the ground that his representatives were wrongfully detained at some place in the state of Arunachal Pradesh and the de facto complainant was subjected to extortion by the petitioners. Entire incident took place at Sangram in the State of Arunachal Pradesh. Referring to a decision of the Hon'ble Supreme Court in **Kaushik Chatterjee versus State of Haryana and Others** reported in **(2020) 10 SCC 92**, it is submitted by the learned senior counsel on behalf of the petitioners that Bowbazar P.S. has no jurisdiction to entertain and investigate into the case. I have duly considered the submission made by the learned advocate for the petitioners.

The petitioners have been able to make out an arguable case. Therefore, the instant revision is admitted.

Since Mr. Mitra, learned advocate has already entered appearance on behalf of the opposite party No.2, the petitioners are directed to serve a copy of the same in course of this day. The opposite party No.2 is at liberty to file affidavit-in-opposition within a fortnight.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

The Investigating Officer shall continue with the investigation of the case but no coercive step shall be taken against the petitioners. If the Investigating Officer requires to interrogate the petitioners who are permanently stationed at Arunachal Pradesh, the Investigating Officer is permitted to interrogate the petitioners through virtual mode after giving at least one day's notice stating the time and place of recording statement under Section 41A through virtual mode.

This matter be heard along with CRR 3649 of 2022.

(Bibek Chaudhuri, J.)