

December 9, 2024  
162 & 163 ARDR

**CRR 5196 of 2024**  
**With**  
**CRR 5197 of 2024**

Dinabandhu Mondal & anr.  
Vs.  
The State of West Bengal & anr.

Sr. Adv. Billwadal Bhattacharyya,  
Adv. Moykukh Mukherjee,  
Adv. Anish Kumar Mukherjee,  
Adv. Sagnika Banerjee,  
Adv. Tamoghna Pramanick,

...for the petitioners.

Since both the matters pertain to the same issue, they are taken up together for consideration.

The petitioners who are the Pradhan and the Executive Assistant of Bakultala Gram Panchayat, Purba Medinipur seek quashing of the FIR in connection with Nandigram Police Station case no. 976 of 2024 pending before the learned Additional Chief Judicial Magistrate, Haldia.

Learned counsel for the petitioners submits that upon noticing monetary defalcation of Government fund, they informed the same to the Block Development Officer, Nandigram-I Development Block and the BDO, in turn, called for a complete report from the Pradhan for taking necessary steps in that regard. An FIR was lodged by the Pradhan before the Inspector in Charge Nandigram Police Station on 3<sup>rd</sup> October, 2024 pursuant to which Nil Kamal Das, Secretary of the Panchayat was arrested and is still in custody. A subsequent complaint was lodged by one Nibedita Bhuiya on 2<sup>nd</sup> December, 2024 alleging defalcation of fund of the Panchayat by the present petitioners. Both the complaints deal with the alleged defalcation pertaining to the 15<sup>th</sup> Central Finance Commission. A third complaint was lodged by the BDO on the same day, that is, on 2<sup>nd</sup> December,

2024 pertaining to the same issue. All the three FIRs are being investigated simultaneously.

Referring to the authority in ***T.T. Antony vs. The State of Kerala & ors.*** reported in **(2001) 6 SCC 181**, learned counsel for the petitioners submits that there can be no second FIR on the same issue as in the first FIR and there can also be no fresh investigation on receipt of any subsequent information in respect of the same cognizable offence as in the initial FIR. Learned counsel has also placed reliance on the authority in ***Babubhai vs. The State of Gujrat*** reported in **(2010) 2 SCC 254** wherein the Hon'ble Supreme Court has held that subsequent FIRs may at best be treated as statements falling under Section 162 of the Code of Criminal Procedure.

Learned counsel seeks stay of the subsequent FIRs.

Upon consideration of the submission made on behalf of the petitioners as well material on record, this Court is of the view that the matter needs to be heard on merits.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Investigation pertaining to the three FIRs shall continue. No coercive steps be taken against the petitioners in connection with the three FIRs as referred to above till 31<sup>st</sup> March, 2025 or until further orders, whichever is earlier.

Let the matter appear under the heading 'Contested Application' in the monthly list of March, 2025.

**(Suvra Ghosh, J.)**