

11.09.2024
Sl. No.11
Court No.3
Sk/sg.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.R. 333 of 2024

**Sparsh Agarwal
Vs.
The State of West Bengal and Anr.**

Mr. Avik Ghatak (VC)
Mr. Shoham Dey Dhara
Mr. Sampad Das
Ms. Avipsha Dutta Royfor the petitioner

The petitioner has challenged the proceedings in connection with Bhaktinagar P.S.Case No. 469 of 2024 dated 28.05.2024 under Sections 420/465/468/471 of the IPC.

Learned advocate appearing for the petitioner through video conference has principally submitted on the ground that the proceeding is manifestly attended with mala fide and ulterior motive of the complainant to wreak vengeance. He informed that the proceeding is between the family members. He has stated further that the allegations as maintained in the FIR would not be even maintainable following the previous bank transactions between the parties in lieu of shares, thereby not establishing any ingredient of offence, as alleged against the petitioner even prima facie. He would further submit about the unexplained delay in filing of the FIR and also motivated manipulation as regards the jurisdiction regarding filing of the case. It is also submitted that no preliminary enquiry has been conducted in connection with the present case before lodging of the FIR thereby violating directions of the Hon'ble Supreme Court in the case of *Lalita Kumari* reported in (2014) 2 SCC 1.

In such circumstances, let a notice be served by the petitioner

upon the opposite parties and file affidavit-of-service in Court.

Let the matter be adjourned today and be placed before the next Circuit Bench.

There shall be stay of all further proceedings in connection with G. R. Case No. 2613 of 2024 arising out of Bhaktinagar P.S. Case No. 469 of 2024 dated 28.05.2024 upto the next date when the Court shall take up this matter for hearing.

(Rai Chattopadhyay, J.)