

8.12.2025
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRR 565 of 2025

**Manish Kumar Agarwal
Vs.
The State of West Bengal & Anr.**

Mr. Vikas Gupta
Mr. Sabir Ahmed
Mr. Sohil Sharma
Mr. Hillol Poddar
Mr. Apam Shah

...for the Petitioner

The petitioner herein has challenged the impugned proceeding being Darjeeling Sadar Police Station case no. 117 of 2025 dated 17th November, 2025 corresponding to G.R. case no. 256 of 2025, presently pending before the learned Chief Judicial Magistrate, Darjeeling.

Petitioner's allegation is that on 26.11.2025, a team comprising approximately 6-7 police officials from the State of West Bengal on 26.11.2025 forcibly entered the residence of the petitioner at Noida, Uttar Pradesh at around 2.00 A.M. without any prior notice and the said officials allegedly manhandled the petitioner and illegally detained him in the police station, Noida but no copy of the FIR was ever provided to the petitioner. It is further submitted that if the FIR story is taken to be true, the petitioner received an amount of Rs. 2,000/- which is wholly unconnected to any fraudulent or criminal activity. There exists no material to suggest that the petitioner acted with any dishonest intention, collusion or knowledge of any wrongdoing. The mere receipt of a nominal sum, without any request, authorization or benefit derived

therefrom cannot constitute offence under Section 318 of the BNSS. He further submits that the FIR, appears to have been lodged with a deliberate and manifestly mala fide intent to harass the petitioner. His further contention is that the allegations in the FIR and the other materials accompanying the FIR do not disclose justification for investigation and he further submits that the alleged amount involved is Rs. 2,000/- which is wholly negligible, unsolicited and entirely disproportionate to the petitioner's financial standing and reputation. He further claimed that he has already returned the said amount and as such, no criminal prosecution lies against him. Therefore continuance of further proceedings qua the petitioner, will be a mere abuse of process of the court.

Having heard learned counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of the application upon the opposite party no. 1 through the office of the Public Prosecutor, High Court, Calcutta in the Circuit Bench at Jalpaiguri and also upon the opposite party no. 2 by speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear before the next available Circuit Bench.

Learned counsel for the petitioner prays for interim protection.

Having heard learned counsel for the petitioner and that the petitioner had made out an arguable case which requires adjudication on merit, let the investigation shall continue but

the Investigating Agency shall not take any coercive step against the present petitioner for a period of four weeks or until further order, whichever is earlier on condition that the petitioner will make all sorts of cooperation with the Investigating agency.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)