

Party Name : Rubi Sengupta And Another Vs State Of Tripura And Another

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THE HONBLE MR. JUSTICE S.TALAPATRA THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. Bhattacharjee, learned counsel appearing for the petitioners as well as Mr. A. Ghosh, learned Public Prosecutor appearing for the state and Mr. H. Debnath, learned counsel appearing for the respondent No.2. This is a petition filed under Section 482 of the Cr.P.C. for quashing the FIR, being FIR No.182/2012, dated 08.10.2012 under Sections 379/411/420/468/506 of the IPC. Mr. Bhattacharjee, learned counsel appearing for the petitioner, has submitted that from a reading of the FIR it would be apparent that there are no ingredients for commission of offence punishable under Sections 420/468/506 of the IPC as it is the undisputed fact that the questioned cheques were signed by the complainant. Mr. Ghosh, learned Public Prosecutor and Mr. Debnath, learned counsel appearing for the respondents have fairly acceded to that submission of Mr. Bhattacharjee, learned counsel for the petitioner that there are no ingredients for commission of offence under Sections 420/468/506 of the IPC. Mr. Bhattacharjee, learned counsel appearing for the petitioner has further ventured to make reference to certain documents annexed to this petition to show that the entire complaint has been concocted, just to avoid the liability of making payment of the cheques issued in favour of the petitioner and her husband. But, at this stage, this court cannot visit those documents. It is the duty of the Investigating Officer to investigate the veracity of that documents and thereafter to decide whether the report in the final form would be filed or not. The petitioner is permitted to place those documents to the Investigating Officer within 15(fifteen) days from today for his inspection. The Investigating Officer would issue due receipt for those documents if those are submitted before him by the petitioner. After a bare reading of the First Information Report, it has surfaced that there are no materials for constituting the offence punishable under Sections 420/468/506 of the IPC. Accordingly, the investigation under those Sections are interfered with. Those Sections are struck down and the Investigating Agency shall not investigate any further as regards the alleged commissions, punishable under Sections 420/468/506 of the IPC. However, the investigation may continue for the alleged offences punishable under Sections 379/411 of the IPC. Accordingly, this petition is partly allowed to the extent as indicated above. A copy of this order be furnished to Mr. A. Ghosh, learned Public Prosecutor for onward transmission to the Investigating Officer of this case.