

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**PRESENT:  
THE HON'BLE JUSTICE UDAY KUMAR**

**CRR 2164 of 2022**

**CRAN 15 of 2026**

**CENTRAL BUREAU OF INVESTIGATION & ANR.**

**-VS-**

**THE STATE OF WEST BENGAL & ANR.**

*For the Petitioners/CBI* : *Mr. Kallol Mondal, Ld. Sr. Adv.*  
*Mr. Amajit De, Ld. Adv.*

*For the State* : *Mr. Rudradipta Nandy, Ld. Adv.*  
*Mr. Saryati Dutta, Ld. Adv.*

*For the Opposite Party No.2* : *Mr. Ayan Poddar, Ld. Adv.*  
*Ms. Anjali Shaw, Ld. Adv.*

*Hearing concluded on* : *06.02.2026*

*Judgment on* : *06.04.2026*

**UDAY KUMAR, J.: –**

**1. INTRODUCTION**

1.1. Invoking the "Inherent Power" of this Court under Section 482 of the Code of Criminal Procedure, 1973 (now corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the Petitioners being the

Central Bureau of Investigation (CBI) and its designated Investigating Officer, seek the quashing of Bishnupur Police Station Case No. 361 of 2022, dated 27.05.2022, registered under Sections 120B, 193, 195, 195A, 196, 465, 467, 468, 471, 506(ii), and 34 of the Indian Penal Code, 1860, presently pending before the Learned Additional Chief Judicial Magistrate, Alipore. They move for the quashing of Bishnupur P.S. Case No. 361 of 2022, (the impugned FIR) characterizing it as a "Statutory Nullity" and a "Procedural Encroachment" upon the sovereign mandate of a federal investigative agency. The Petitioners contend that the FIR is not a *bona fide* report of crime but a "Tactical Obstruction" meticulously engineered to subvert a court-monitored probe into a multi-crore national scam.

1.2. The challenge to the "Viability of the Impugned FIR" and all consequential proceedings is anchored in a "Trilogy of Jurisdictional Prohibitions" that render the proceedings *void ab initio*:

- I. The charges involving the "Administration of Public Justice" (Sections 193 and 196 IPC) are hit by the "Impenetrable Barrier" of Section 195(1)(b)(i), which vests the exclusive power of complaint in the concerned Court, thereby denuding the police of investigative locus.
- II. As the alleged acts occurred during the "Statutory Discharge" of official duties, the "Mandatory Mantle" of Section 197 was an inviolable prerequisite; its absence constitutes a "Fatal Jurisdictional Defect."

III. A statement recorded under Section 161 of the Code is a "Legal Non-Entity" under the prohibitive mandate of Section 162; as a matter of law, it cannot constitute "Evidence in a Judicial Proceeding" to sustain charges of forgery or perjury.

Collectively, these grounds frame the investigation as a "manifest abuse of process," where the law of the land has been to facilitate an institutional assault.

1.3. The "Quintessential Legal Conundrum" before this Court transcends a mere factual evaluation and necessitates a "Judicial Inquiry into Institutional Integrity." The Court must discern whether the proceedings represent a genuine grievance of "Custodial Excess" or a "Calculated Anatomy of a Counter-Blast," a weaponized strike designed to achieve the "Substantive Paralysis" of the "Coal Scam" probe (RC0102020A0022). The pivotal question remains that can local police machinery exercise a "De Facto Veto" over a court-monitored federal mandate, or is this FIR a manifest "Institutional Sabotage" that must be quashed to preserve the Rule of Law?

## **2. FACTUAL MATRIX**

2.1. The "Genesis of the Present Conflict" is rooted in the "Statutory Execution" of a high-stakes federal probe into a multi-crore coal smuggling syndicate, registered as CBI Case No. RC0102020A0022. In the "Legitimate Discharge" of his investigative mandate, Petitioner No. 2 served a peremptory notice under Section 160 of the Code upon Opposite

Party No. 2, a self-described political volunteer, requiring his attendance for examination as a witness. This "Regulatory Invocation" marks the primary point of contact between the federal agency and the individual, occurring strictly within the "Procedural Framework" of a court-monitored investigation into systemic economic offenses.

2.2. In "Strict Adherence" to this Regulatory Mandate, the Complainant presented himself at the federal headquarters at Nizam Palace, Kolkata, on May 26, 2022. It remains a matter of "Unassailable Official Record" that his entry and presence within the high-security "Federal Precincts" were documented with "Systemic Precision" from 11.00 AM until his departure at 6.40 PM, a duration the Agency defines as a "Regulated Interrogative Session" yet one that has been strategically reframed by the Complainant as a window of "Unlawful Coercion."

2.3. The "Anatomy of the Asserted Coercion," as articulated in the impugned FIR, posits that during eight-hour window of Statutory Examination," the complainant was subjected to a "Calculated Battery of Psychological Intimidation" by Petitioner Number 2 and other unidentified federal officials. This narrative rests upon a triad of "Constructed Allegations":

- a. the production of "Bills and Photographs" which the Complainant characterizes as "Fabricated Forensic Instruments," intended to "Extort a Signature" thereon;

- b. a sustained "Interrogative Pressure" to extract incriminating statements against a high-profile Member of Parliament to establish a "Nexus to the Proceeds of Crime"; and
- c. a "Pivotal Allegation of Collateral Threat," wherein the petitioners purportedly weaponized the safety of the complainant's spouse and nine-month-old infant child, suggesting they would be "Judicially Implicated" and incarcerated if he failed to provide the "Desired Testimony."

2.4. This account seeks to transform a "Statutory Examination" into a site of "Custodial Dehumanization." However, the subsequent conduct of the Complainant suggests a "Calculated Spatial Manoeuvre"; upon his release, he bypassed the "Natural Seats of Redressal" in Bhowanipore and the Kolkata metropolis, choosing instead to undertake a journey to the Diamond Harbour Police District. This "Jurisdictional Displacement," lodging the FIR at Bishnupur Police Station, 20 kilometer from the alleged site of occurrence, is characterized by the Petitioners as a "Textbook Case of Forum Shopping," meticulously designed to initiate a "Parallel and Hostile Investigation."

2.5. Aggrieved by the registration of FIR what the petitioners term a "Malicious Counter-Strike" intended to sabotage the "Coal Scam" probe, the Petitioners invoked the jurisdiction of this Court. Recognizing the "Forensic Gravity" of the challenge and the potential for a "Constitutional Collision," an interim stay was granted on June 29, 2022. This "Protective Mantle" has served as a "Cessation of Hostilities" for nearly four years, an

interval the Petitioners maintain is an "Implicit Recognition" that the proceedings constitute a "Tactical Siege" against the Rule of Law.

2.6. Ultimately, this dispute represents a conflict between federal statutory powers and the sovereign police powers of the State, necessitating a "Juristic Dissection" to determine if the FIR is a report of crime or a "Forensic Pretext" facilitating a "Collateral Attack" on a court-monitored probe. The Court must now navigate a "Juristic Tightrope" to decide if local police machinery can be permitted to "Monitor the Monitor," or if such "Institutional Sabotage" must be excised to preserve the "Sanctity of the Federal Mandate."

### ***3. SUBMISSIONS ON BEHALF OF THE PETITIONERS***

3.1. Commencing the arguments for the Petitioners, Mr. Kallol Mondal, learned Senior Counsel, sketched a factual matrix defined by "Statutory Decorum." He submitted that the interaction with Opposite Party No. 2 was conducted strictly within the "Four Corners of the Law," where the witness's presence at Nizam Palace was the result of a formal notice under Section 160 of the Code. Every movement, he underscored, was documented in the "Official Visitor Register," and the examination was recorded with "Systemic Precision." The Petitioners maintain that this was a "Regulated Statutory Exercise" that concluded long before the "Contrived Narratives" of the FIR were architected.

3.2. Building upon this foundation, Mr. Mondal characterized the impugned FIR as a "Textbook Legal Strike" designed to achieve the "Substantive Paralysis" of a court-monitored investigation of grave

national importance. Relying on the ratio in *Mukul Roy v. State of West Bengal*, reported in 2019 Cri LJ 245, he argued that the proceeding is a "Weaponized Tool of Obstruction" intended to exert a "Chilling Effect" on federal officers. To permit such "Engineered Criminality," he warned, would invite a "Jurisdictional Anarchy" where any high-profile subject under the scanner could effectively "Neutralize the Probe" by subjecting the agency to a "Barrage of Frivolous and Malicious Prosecution."

3.3. Addressing structural infirmities, Learned Counsel pointed to an "Unexplained Temporal Gap" and a blatant "Jurisdictional Displacement." Although the alleged occurrence took place at the federal headquarters under the Bhowanipore jurisdiction, the FIR was strategically registered 20 kilometers away at Bishnupur. Characterizing this as a "Textbook Case of Forum Shopping," Mr. Mondal urged that the "Precise and Legalistic Articulation" of the complaint reveals it to be an "Artificially Constructed Afterthought," designed to bypass metropolitan scrutiny and subject federal officers to a "Pre-meditated and Hand-picked Forum."

3.4. Ascending to the legal plane, Mr. Mondal raised an "Impenetrable Legislative Proscription" regarding Sections 193 and 196 of the IPC. He vehemently submitted that as these offences pertain to the "Administration of Public Justice," they are hit by the mandatory bar of Section 195(1)(b)(i) of the Code. Since the interrogation was part of a probe pending before a Special Court, that Court remains the "Sole and Exclusive Custodian" of any grievance regarding evidence. To allow a parallel police investigation, he argued, is a "Subversion of the Judicial

Process" and a manifest bypass of a "Non-Negotiable Statutory Safeguard."

3.5. Advancing the defence of "Functional Immunity," Learned Counsel argued that the actions of Petitioner No. 2, the summoning and examination of a witness, possess an "Inseparable Nexus" with his official mandate. Performed under the "Aegis of Statutory Duty," these acts directly attract the "Mandatory Mantle" of Section 197. The requirement for "Prior Statutory Sanction" is an "Inviolable Condition Precedent" that the State Police conveniently bypassed, rendering the FIR a "Jurisdictional Nullity" that strips federal officers of their "Legislative Armor."

3.6. Regarding the invocation of Sections 465–471 IPC, Mr. Mondal contended that forgery was a calculated manoeuvre to provide a "Veneer of Gravity" to an "Anemic Complaint." He highlighted the "Forensic Absurdity" of a Section 467 charge, "Forgery of a Valuable Security," embarked upon without the recovery of a single forged document. To sustain such "Vacuum-Based Allegations" is to allow the "Metamorphosis of a Statutory Duty" into a "Criminal Conspiracy," penalizing professional teamwork as if it were an illicit pact.

3.7. Dismissing the allegation of "Criminal Intimidation," Counsel characterized it as a "Calculated Distortion of the Interrogative Mandate." He submitted that explaining the "Legal Ramifications of Accessory Liability" to a recalcitrant witness is a "Duty of the Office," not a "Threat of the Person." To allow an FIR every time a witness feels "Interrogative Discomfort" would be to grant a "License for Silence," ensuring the

"Truth-Seeking Process" of a premier agency is effectively "Censored and Terrorized" by the subjective feelings of the witness.

3.8. Concluding his submissions, Mr. Mondal urged that permitting the State Police to investigate the "Internal Mechanics" of a CBI interrogation grants the State Executive an "Extra-Legal Veto" over federal mandates. Invoking the high-threshold guidelines of *State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335]* specifically Categories (1), (3), (6), and (7), he maintained that where allegations are "Absurd and Inherently Improbable," the Court must intervene to prevent an "Institutional Miscarriage of Justice" and protect the "Federal Shield" provided by the Code. The Bishnupur Case, he concluded, is not a search for truth, but a "Tactical Siege" against the Rule of Law.

3.9. In light of the "Statutory Immunity" and the "Absence of Bona Fides" in the impugned proceedings, the Petitioners solemnly pray this Court be pleased to set aside the proceedings in Bishnupur P.S. Case No. 361 of 2022, protect the "Institutional Integrity" of Petitioner No. 1 from "Collateral Sabotage" by stay or dismissal of all consequential proceedings arising from the said FIR; and reaffirm the "Federal Shield" provided under Sections 195 and 197 of the Code, ensuring that officers of a premier agency are not subjected to "Interrogative Extortion" for the lawful discharge of their sovereign duties.

#### **4. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY NO. 1 (THE STATE)**

4.1. Mr. Rudradipta Nandy, learned counsel for the State, sounded on the "Juristic Plea for Investigative Autonomy" as a "Note of Judicial Caution," by emphasizing the extraordinary and discretionary nature of the Court's power under Section 482 of the Code. He vehemently argued that this inherent jurisdiction must be exercised with "Surgical Circumspection" so as not to "Short-Circuit" a lawful investigation, asserting that the Court must resist the invitation to assume the mantle of a "Super-Investigator" or to stifle a legitimate inquiry into grave allegations of custodial misconduct at the very threshold. Mr. Nandy further submitted that the "Logical Inconsistencies" heavily relied upon by the Petitioners are essentially "Trial-Stage Defenses" are the matters of evidence that must be tested in the "Crucible of Cross-Examination" rather than being adjudicated summarily at the threshold.

4.2. Invoking the legal concept of "Juristic Mandate of Non-Interference" as enunciated in *M/S Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, Ld. Counsel maintained that at the threshold of an FIR, the High Court must resist the temptation to transform itself into a "De Facto Trial Court." The High Court possesses no "Probative Compass" at this nascent stage to evaluate the correctness or reliability of allegations. Referring to the cautionary mandates in Paragraph 23 and 33.12 of the said judgment, Ld. Counsel emphasized that an FIR is a "Starting Point," not an "Encyclopaedia," and that any premature interference effectively "Stifles the Discovery of Truth" while the case remains in "Involuntary Stagnation" due to the interim stay.

4.3. Transitioning to a "Substantive Disclosure of Criminality," Mr. Nandy contended that a holistic and meaningful reading of the FIR and written complaint reveals the "Unmistakable Commission" of multiple cognizable offences, pointing toward a "Systemic Abuse of Office." These allegations, are not do not merely suggest administrative lapses but point towards a systematic abuse of office, involving public servants framing incorrect documents (Sections 166/167 IPC) and the "Deliberate Fabrication of False Evidence" (Sections 193/195/196 IPC), and Grave Criminal Intimidation (Section 506 (ii) IPC), all woven into a web of criminal conspiracy under Section 120B. He argued that since the FIR, on its face, discloses the essential ingredients of these crimes, operate as a "Jurisdictional Bar," precluding this Court from quashing the proceedings at the threshold, as the Golden Rule enunciated under the *Bhajan Lal's* (*supra*) guidelines, precluding this Court from quashing the proceedings at the threshold. To do so, he urged, would be to ignore a "Manifest Criminality" that demands a full-fledged investigation.

4.4. Advancing a "Juristic Validation of Universal Investigatory Mandate," Mr. Nandy dismissed the challenge to territorial competence as a "Misconceived Procedural Formalism." Relying on the settled ratio in *Satvinder Kaur v. State [(1999) 8 SCC 728]*, and the concept of a "Zero FIR" codified in Section 173(1) of the BNSS, 2023, he argued that a perceived defect in jurisdiction provides no ground for quashing of an FIR at the threshold. Under Section 156(2) of the Code, the law affirms a

"Non-Negotiable Duty" to investigate irrespective of the area, rendering the Petitioners' jurisdictional objection a "Legal Anachronism."

4.5. Relying on the "Doctrine of Mandatory Registration" as refined by the Constitution Bench in *Lalita Kumari vs State of Uttar Pradesh*, [(2014) 2SCC 1], the State argued that Sections 154 and 156 of the Code impose a "Peremptory Command" upon the police to register an FIR the moment a cognizable disclosure is made. He vehemently submitted that the police possess "Zero Discretion" to conduct a preliminary inquiry when a complaint, on its face, unveils a crime. Counsel maintained that any judicial stay on such an investigation "Trespasses upon the Exclusive Domain" of the Executive, and erodes public confidence in the Rule of Law. In the present case, where the complaint contained specific and chilling allegations of "Forensic Fabrication" and "Custodial Intimidation," the State contended that the police were not merely empowered, but "Statutorily Compelled" to initiate the investigative process to protect the "Sanctity of the Citizen" against institutional overreach.

4.6. Turning to a "Judicial Deconstruction of Institutional Immunity," Learned Counsel for the State contended that the official capacity of CBI officers does not grant a "Sanctuary of Exemption" from liability under criminal laws of the land. Mr. Nandy submitted that the chilling allegations, specifically the "Psychological Coercion" of a nine-month-old infant and the "Forensic Forgery" of documents to extract a confession, constitute a manifest "Betrayal of Public Trust" and a grave violation of Article 21. Citing the restrictive ratio in *Choudhury Parveen Sultana v.*

*State of West Bengal [(2009) 3 SCC 398]* Ld. Counsel urged that acts such as "Scripting Witness Testimony" or "Fabricating Signatures" can never, by any stretch of legal logic, be regarded as the *bona fide* discharge of official duty. Consequently, the protection of Section 197 of the Code was characterized as a "Misplaced Shield," as the requirement for sanction only matures at the stage of "Judicial Cognizance" and cannot prevent an investigation. Relying on *Om Prakash Yadav v. Niranjana Kumar Upadhyaya [2024 SCC OnLine SC 3726]*, he argued that the law does not permit a "Pre-emptive Strike" against an investigation under the deceptive garb of statutory immunity.

4.7. Transitioning to an "Affirmation of Independent Cognizability," the State relied upon the ratio decided in recent case in *State of Kerala v. Sunil [2025 OnLine SC 2295]* to dismantle the challenge under Section 195 of the Code. He argued that Section 195A of the IPC stands as an "Independent Sentinel" specially enacted to provide an immediate and effective "Protective Umbrella" to witness during the investigation. Mr. Nandy contended that the police possess the "Standalone Power" to investigate threats without awaiting the "Procedural Formalism" of a court-led complaint under Section 340 of the Code, lest the statutory mandate of protection be rendered "Statutorily Illusory." To interpret the law otherwise, the State Maintains, would be to leave a vulnerable witness in a Jurisdictional Limbo," effectively rendering the statutory mandate of witness protection "Statutorily Illusory" and allowing the "Poisoning of Evidence" to continue unchecked.

4.8. Invoking the "Axiom of Facial Veracity," the State submitted that the Petitioners' reliance on "Logical Inconsistencies" or "Mala Fides" is an invitation for a "Mini-Trial." Drawing strength from *Rajeev Kourav v. Baisahab* [(2020) 3 SCC 317] and *CBI v. Aryan Singh* [2023 (18) SCC 399], Mr. Nandy argued that the High Court, in its inherent jurisdiction, is "Procedurally Precluded" from evaluating veracity of an FIR or the defence of the accused at this nascent stage. He contended that the truth of the facts demands the "Oxygen of Cross-Examination," and any "Meticulous Weighing of Evidence" now would constitute a "Premature Exoneration."

4.9. Finally, the State raised a formidable preliminary objection regarding maintainability of the petition filed by the CBI in its institutional capacity. Relying on the restrictive ratio in *Hukum Chand Garg & Anr. v. State of Uttar Pradesh* [2022 SCC OnLine SC 2165], Learned Counsel argued that the CBI is a "Legal Stranger" to the case, being neither informant nor accused. He vehemently submitted that a federal institution cannot act as a "Proxy Litigant" or an "Aggrieved Person" to shield its members from an investigation into "Individual Malfeasance," characterizing the petition as an "Unauthorized Interposition" into a state investigation.

4.10. In view of the "Forensic Gravity" of the allegations and the "Statutory Mandate" to investigate cognizable crimes, the State prayed that :

- (i) The present petition be dismissed in limine as being "Jurisdictional Terminated" by the lack of institutional locus standi;

- (ii) the interim stay, which has served as a "Shield for the Accused" and a "Barrier to the Truth" for nearly four years, be vacated with immediate effect;
- (iii) the state investigating Agency be permitted to exercise its "Executive Prerogative" to conduct an unfettered inquiry, thereby upholding the "Constitutional Promise" that no officer, regardless of their stature, is beyond the reach of the law.

**5. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY NO. 2 (DE-FACTO COMPLAINANT)**

5.1. Advancing a vehement and granular defence of the complainant's version, Mr. Ayan Poddar learned counsel for the Opposite Party No. 2 characterized the instant application for quashing as a "Manifest Attempt to Stifle" a legitimate inquiry into grave custodial excesses. He meticulously reconstructed the timeline of May 26, 2022, asserting that the De-facto Complainant, a law-abiding citizen, presented himself at Nizam Palace at 11:00 AM, not as a suspect, but in "Strict Obedience" to a statutory notice under Section 160 of the Code. This nearly eight-hour ordeal, Learned Counsel argued, transcended the bounds of a routine examination and descended into the realm of an "Unauthorized Custodial Interrogation," stripped of the procedural safeguards guaranteed under the "Sanctity of Article 21."

5.2. Shifting to the "Anatomy of Forensic Coercion," Mr. Poddar highlighted the grave allegation that Petitioner No. 2, acting under the

"Aegis of Office," produced a series of fabricated documents, including bills and photographs, and attempted to "Extort an Admission" of their fabricated documents. Upon the Complainant's steadfast refusal to "Adopt Forged Signatures" as his own, the investigative process ceased to be a search for truth and devolved into a "Threat-Based Interrogation," where he was relentlessly pressured to provide a "Scripted Testimony" against high-profile individuals namely Mr. Abhishek Banerjee and Mr. Sumit Roy, to establish a "Contrived Link" to the proceeds of crime, a conduct characterized as a "Gross Perversion" of statutory power vested in a federal agency.

5.3. This grievance was further elevated to a "Jurisprudential Critique of Psychological Intimidation," with Learned Counsel highlighting the most distressing facet of the ordeal: the alleged extension of threats to implicate the Complainant's wife and his nine-month-old infant. It was forcefully submitted that the Petitioners utilized the "Spectre of Incarceration" against an innocent family to compel a "Coerced Narrative," (stating they would be "Shown as Beneficiaries" of the scam and left to "Languish in Jail") an act of "Totalitarian Encroachment" into the private sphere of a witness constitutes a manifest abuse of investigative power, that strikes at the very soul of the "Right to Life and Liberty" and violates the fundamental "Sanctity of the Witness" in a democratic polity. This was characterized not as a legitimate interrogation, but as a "Strategic Battery" aimed at "Planting False Evidence" through extreme psychological trauma.

5.4. Interposing a "Juristic Barrier to Maintainability," Mr. Poddar raised a threshold objection anchored upon the restrictive rule of standing held in *Hukum Chand Garg (supra)*. He argued that the extraordinary remedies under Sections 197, 401, and 482 of the code are reserved exclusively for an accused or a person directly aggrieved by a judicial order. He contended that the CBI, in its institutional capacity, is neither the informant nor a named accused in the Bishnupur Case rendering it a "Statutory Stranger" to the present FIR. He forcefully contended that a federal institution cannot invoke the "Inherent Powers" of this Court to create a "Sanctuary of Immunity" for individual officers, effectively shielding them from a lawful investigation into personal criminal liability, as to allow the Agency to litigate on behalf of a natural person is to permit a "Corporate Hijacking" of the criminal process.

5.5. Invoking a "Judicial Prohibition against Pre-Trial Adjudication," Mr. Poddar contended that the ingredients of criminal intimidation and forgery are manifest upon a plain reading of the FIR. He urged that this Court must eschew the temptation to conduct a "Mini-Trial" at this nascent stage. *Citing Daxaben v. State of Gujarat [2022 (16) SCC 117], MCD v. Ram Kishan Rohtagi [(1983) 1 SCC 1], State of Odisha v. Pratima Mohanty [(2022) 16 SCC 703], and CBI v. Aryan Singh [2023 (18) SCC 399]* he argued that instead proceed on the "Axiom of Facial Veracity," any inquiry into the credibility of the version is a matter for the "Crucible of Trial" as mandated in *Rajeev Kourav v. Baisahab [(2020) 3 SCC 317]*, and *Muskan v. Ishaan Khan [2025 SCC OnLine SC 2355]*. To stifle the

investigation now would be to prematurely "Exonerate" a potential offender without a shred of evidence being tested in Cross-Examination.

5.6. Advancing a "Dissection of the Protective Aegis" regarding statutory immunity, Mr. Poddar submitted that the requirement for sanction under Section 197 is both "Premature and Inapplicable" at the investigative threshold. Drawing a "Juristic Demarcation" between official acts and criminal departures, and relying on *Om Prakash Yadav v. Niranjana Kumar Upadhyay* [2024 SCC OnLine SC 3726] and *Choudhury Parveen Sultana Choudhury Parveen Sultana v. State of West Bengal* [(2009) 3 SCC 398], he argued that acts such as "Threatening an Infant" or "Systemic Fabrication of Records" by any stretch of legal imagination, can be regarded as official duty. The protection of Section 197, he contended, is conceived as a shield for the *bona fide* officer, not a "Charter of Impunity" for "Extortionate Conduct" committed under the deceptive garb of a federal investigation.

5.7. Transitioning to a "Juristic Affirmation of Witness Autonomy," Mr. Poddar, placed heavy reliance on the definitive ratio in *State of Kerala v. Sunil*, [2025 SCC OnLine SC 2295], to justify the invocation of Section 195A of the I.P.C. He argued that the Hon'ble Supreme Court has now clarified the "Independent Cognizability" of this provision, elevating it to a Standalone protection for witnesses even at the pre-trial and investigative stages to investigate threats under Sections 154 and 156 of the Code, without the "Procedural Fetters" of a prior court complaint. Drawing from *Indresh Kumar v. State of UP* [2022 SCC OnLine SC 2411] and *Salim*

*Khan v. Sanjai Singh [(2002) 9 SCC 670]*, he noted that the "Poisoning of Evidence" is a "Continuous Injury" necessitating immediate intervention to prevent the "Subversion of the Truth."

5.8. Advancing a "Dismissal of Territorial Formalism" concerning the challenge to jurisdiction, Mr. Poddar relied on *Satvinder Kaur v. State [(1999) 8 SCC 728]* to argue that a perceived defect provides no "Juristic Ground" for quashing at the threshold. Invoking the "Mandatory Command" of *Lalita Kumari*, and the cautionary principles in *M/S Neeharika Infrastructure (supra)*, he urged that the police are under a "Statutory Obligation" to exhaust the investigative process once a cognizable offence is disclosed. He expressed "Grave Judicial Concern" over the interim stay granted on 29.06.2022, contending that a "Quest for Truth" into allegations of custodial torture cannot be held in "Perpetual Abeyance" merely because the alleged perpetrator enjoys the "Stature of a Federal Officer." To stay such an inquiry, he argued, is to permit a "Jurisdictional Vacuum" where the rule of law is effectively suspended.

5.9. Concluding with an "Invocation of the Edifice of Justice" Mr. Poddar placed reliance on the seminal ratio in *Zahira Habibullah Sheikh (5) v. State of Gujarat [(2006) 3 SCC 374]*, to affirm that the integrity of the system rests upon the "Sanctity of the Witness." He argued that the prolonged stay has created a "Justice Deficit" and a "Substantive Paralysis" of the Rule of Law. Consequently, he prayed that the interim order be vacated to allow the law to take its "Logical and Unfettered Course" and ensure a "Truth-Oriented Conclusion" to the Bishnupur Case.

5.10. He urged this Court to recognize that the "Inherent Powers" under Section 482 of the Code are intended to prevent the abuse of the process of any Court, not to provide a "Safe Harbour" for officials accused of violating the fundamental rights of a citizen. Consequently, it was prayed that:

- i. The instant Criminal Revision and the accompanying application for quashing be dismissed as being "Devoid of Merit" and legally "Misconceived";
- ii. The interim order of stay, which has held the investigation in "Perpetual Abeyance" since 29.06.2022, be vacated forthwith to prevent further "Erosion of Evidence";
- iii. The Investigating Agency be permitted to reach a "Logical and Truth-Oriented Conclusion" in the Bishnupur Case, thereby vindicating the "Institutional Credibility" of the State Police and the "Fundamental Rights" of the Complainant.

## **6. QUESTIONS FOR DETERMINATION**

6.1. Based on the rival contentions and the legal landscape governing the interaction between federal investigative mandates and State police powers, the following issues are settled for the consideration of this Court:

- i. Whether Petitioner No. 1 (CBI), in its institutional capacity, qualifies as a "person aggrieved" within the scheme of the Code of Criminal Procedure, or whether the present petition, insofar as it seeks to quash an FIR against individual officers,

is hit by the restrictive principles of standing as enunciated in *Hukum Chand Garg v. State of U.P. [2022]*?

- ii. Whether the acts complained of, namely the summoning and interrogation of a witness at Nizam Palace, bear such an "inseparable nexus" to the discharge of official duty that they attract the mandatory requirement of prior sanction, or whether the allegations of custodial coercion strip the public servant of such statutory immunity as per the ratio in *Choudhury Parveen Sultana v. State of West Bengal [2009]*?
- iii. Whether the registration of the impugned FIR for offences primarily relating to the "fabrication of false evidence" (Sections 193, 195, 196 IPC) is legally sustainable at the instance of a private individual, or whether such a proceeding is hit by the absolute statutory embargo contained in Section 195(1)(b)(i) Cr.P.C., which reserves such jurisdiction exclusively to the concerned Court?
- iv. Whether the inclusion of Section 195A IPC (threatening a witness), in light of the recent ratio in *State of Kerala v. Sunil [2025]*, provides a valid legal basis for the State Police to independently investigate a federal investigator's conduct during an ongoing judicial probe?
- v. Whether the narrative of the De-facto Complainant, specifically the allegation of being "forced to admit" signatures while simultaneously asserting a "clear denial,"

that renders the FIR "inherently improbable" under Category 3 or "manifestly malicious" under Category 7 of the *Bhajan Lal* guidelines.

- vi. Whether the choice of a geographically distant Police Station (Bishnupur), coupled with the strategic timing of the complaint immediately following a summons in a sensitive scam, indicates a "Counter-Blast" intended to obstruct the administration of justice and interfere with the CBI's institutional autonomy?

## **7. ANALYSIS AND FINDINGS OF THE COURT**

### **7.1. The Locus Standi of Petitioner No. 1 (CBI) and Institutional Maintainability**

7.1.1. Commencing with the sovereign-juristic inquiry, this Court must determine whether the Central Bureau of Investigation (CBI), in its collective and juristic capacity, possesses the *locus standi* to invoke the inherent, plenary jurisdiction of this Court under Section 482 of the Code. The controversy necessitates a determination of "Functional Identity," whether a premier federal agency is a "Legal Stranger" to a criminal process that, while not impleading the Agency *eo nomine*, specifically arraigns its Investigating Officer and "unknown officials" for acts purportedly committed within a federal enclave. This Court must decide if the Institution qualifies as an "Institutional Victim of Collateral Criminalization," an entity whose very operational mandate is placed under siege by the impugned proceedings.

7.1.2. A formidable challenge has been mounted by the learned Counsel for the State and the De-facto Complainant, primarily anchored upon the dictum in *Hukum Chand Garg & Anr. v. State of U.P.* [2022 SCC OnLine SC 2165]. They advocate for a "Restrictive Interpretive Rule," contending that the right to seek the quashing of a criminal proceeding is a purely personal right, an *action personalis*, vested exclusively in the "Accused." The pivot of their critique is that since the CBI, as a statutory juristic entity, is not formally impleaded as an accused in the FIR, it remains a "Legal Outsider" to the controversy. It is argued that the Institution cannot, by any stretch of legal imagination, be deemed a "Person Aggrieved" within the scheme of the Code, and consequently, the petition at its instance is hit by a jurisdictional deficit of *locus standi*.

7.1.3. Upon a Jurisprudential Dissection of the ratio in *Hukum Chand Garg (supra)*, I find the reliance placed by the Opposite Parties to be a "Categorical Misapplication" of the law to the present facts. While it remains an axiomatic principle that a total stranger cannot meddle with the investigative machinery, the factual matrix here is "Starkly Distinguishable." The instant FIR does not target a private citizen in a vacuum; it specifically identifies the "Investigating Officer and unknown officials of the CBI" for acts allegedly committed during a high-stakes, court-monitored investigation. This is not the intervention of a "Meddlesome Interloper" seeking to derail a private prosecution; rather, it is a premier federal agency seeking to protect the sanctity of its own mandate from being "Criminalized *in situ*." To equate the CBI's

institutional standing with that of a "Stranger" is to ignore the reality that the Agency is the very target of the impugned process.

7.1.4. The Central Bureau of Investigation (CBI), as a statutory entity constituted under the *Delhi Special Police Establishment Act, 1946*, functions as the specialized investigative arm of the Union, embodying a "Sovereign Institutional Prerogative." Its efficacy is intrinsically linked to the "Inherent Functional Autonomy" of its officers, who must be insulated from the spectre of retaliatory or obstructive state action while discharging their mandates. While not expressly cited by the Bar, I find the principles in *CBI v. Rajesh Gandhi [(1996) 11 SCC 253]* and the seminal observations in *Vineet Narain v. Union of India [(1998) 1 SCC 226]* to be of profound relevance. These authorities underscore that the "Institutional Integrity" of the CBI is a vital cog in the machinery of justice. To suggest that the Agency remains a "Legal Stranger" when its very interrogation procedures are under criminal challenge is a proposition that is not only conceptually flawed but is, in the estimation of this Court, "Legally Fallacious."

7.1.5. Formulating an "Institutional Siege Hypothesis," this Court observes that if the internal interrogation protocols within a federal precinct, such as Nizam Palace, are permitted to be criminalized through the mechanism of a "Collateral FIR" at the mere behest of a disgruntled witness, the Institution itself is effectively placed under siege. The logic of the Opposite Parties would reduce a premier federal agency to a "Mute Spectator" while its statutory mandate is systematically dismantled by a

parallel police inquiry. In the landscape of federal-state investigative friction, where an agency's methodology is challenged as a "Criminal Enterprise," the Institution is not merely an interested party; it is a "Necessary Party." To deny it the standing to challenge such a proceeding would be to sanction a "Procedural Veto" in the hands of the State, thereby subverting the very essence of a fair and independent investigation and permitting the "Administrative Sabotage" of a federal probe.

7.1.6. Establishing a "Distinction of Juridical Categories," this Court finds that the factual matrix in *Hukum Chand Garg (supra)* was confined to the rights of private individuals in a personal litigation where no sovereign or institutional interests were at stake. By contrast, the impugned FIR in the present case displays a "Triad of Institutional Aggrievement" that transcends personal liability and merges into institutional injury:

- i. The impleadment of "unknown officials" casts a wide and indeterminate net over the entire investigative team, effectively paralyzing the Agency's collective function through a "blanket threat" of arrest;
- ii. The alleged acts originated from a formal process under Section 160 of the Code, thereby rendering them acts performed *ex virtute officii* (by virtue of office) rather than private conduct;
- iii. The timing and nature of the complaint demonstrate a clear attempt to create a "Tactical Diversion" to a court-monitored

probe, thereby directly impacting the CBI's institutional capacity to fulfill its federal mandate.

These factors, taken together, create a distinct legal category of "Aggrieved Party" that was never contemplated in the private-party context of the *Hukum Chand Garg* decision.

7.1.7. Furthermore, I find significant resonance in the ratio of *K. Kapila v. CBI [(1999) 9 SCC 526]*, which, although rendered in a different factual setting, recognizes a "Metaphysical Integration" between an Institution and its officers. The law recognizes that an Institution possesses a vested and subsisting interest in the legality of proceedings involving its personnel, predicated on the principle that an officer does not act in a vacuum but as the "Hand and Voice" of the Agency. Consequently, any criminal proceedings initiated against such an officer for acts purportedly done in the discharge of official functions necessarily implicate the Agency's own procedural integrity. This judicial recognition of "Institutional Persona" provides the necessary "Legal Bridge" to hold that Petitioner No. 1 is not a meddlesome stranger, but a party whose very functional existence is jeopardized by the impugned FIR.

7.1.8. To label Petitioner No. 1 as a "Stranger" to the controversy is, in the estimation of this Court, "Legally Myopic" and ignores the volatile realities of federal-state investigative friction. When the very methodology of an Agency's interrogation that conducted within its own jurisdictional enclave, is characterized as a "Criminal Enterprise," the Institution is not

merely an interested party; it is a "Necessary Party." To hold otherwise would be to sanction a regime where the State machinery could systematically "Decapitate" a federal investigation by targeting individual officers *seriatim*, thereby leaving the Agency *sans* any legal recourse to protect its institutional mandate. Such a restrictive interpretation of *locus standi* would not only offend the principles of natural justice but would effectively permit the criminal process to be "Weaponized" as a tool of administrative obstruction.

7.1.9. Arriving at a "Sovereign Jurisdictional Affirmation," this Court rejects the preliminary objection regarding the maintainability of this petition at the instance of the CBI. It is held that Petitioner No. 1 possesses the requisite *locus standi* to invoke the inherent, plenary powers of this Court under Section 482 of the Code. The Agency is not a "Legal Stranger" to the controversy; rather, it qualifies as an "Aggrieved Party" in the context of institutional interference and the preservation of investigative sanctity. To deny the Institution a voice in this forum would be to permit the "Systematic Decapitation" of its mandate through the "Weaponization" of local criminal process. Question No. 1 is, accordingly, answered in the affirmative and in favour of the Petitioners.

## **7.2. The Statutory Bar under Section 197 Cr.P.C. and the "Official Duty" Nexus**

7.2.1. Proceeding to the second quintessential inquiry, this Court must determine whether the acts impugned in the FIR, specifically the summoning and custodial interrogation of a witness, possess such an

"Inextricable Link" to the discharge of official duty that the State Police was legally interdicted from initiating any criminal process. The core of this determination lies in whether the alleged "high-handedness" can be legally severed from the underlying statutory function, or whether the absence of a prior sanction from the Central Government acts as an absolute "Jurisdictional Bar" to the registration of the FIR and the continuation of the investigation.

7.2.2. A spirited challenge has been mounted by the learned Counsel for the State and the De-facto Complainant, primarily anchored upon the dictum in *Choudhury Parveen Sultana v. State of West Bengal [(2009) 3 SCC 398]* and the recent observations in *Om Prakash Yadav v. Niranjan Kumar Upadhyay [2024 SCC OnLine SC 3726]*. They advocate for a "Surgical Severance" of the acts alleged, specifically "forgery," "criminal intimidation," and the "threatening of an infant of nine months" arguing that such conduct can never, by any stretch of legal imagination, be assimilated into a public servant's official mandate. The pivot of their contention is a "Thematic Decoupling": that the moment an officer oversteps the bounds of the law to commit a perceived crime, the protective "shield" of Section 197 Cr.P.C. is automatically lowered, exposing the individual to the full rigor of ordinary criminal process without the necessity of a prior executive filter.

7.2.3. Inverting this perspective, Mr. Mondal, appearing for the Petitioners, anchors his rebuttal upon the "Sovereign Functionality" of the act. He submits that Petitioner No. 2 was not acting in a private capacity,

but was operating within the "Statutory Crucible" of a federal investigation, conducted within the high-security precincts of Nizam Palace. The core of his contention is that the entire encounter was a direct manifestation of a "Core Duty," the questioning of a witness in a complex, multi-crore scam. He cautions this Court that if "Robust Interrogation" is permitted to be "Tactically Re-labelled" as criminal intimidation to bypass the requirement of sanction, it would expose every federal investigator to the caprice of "Retaliatory Litigation," effectively paralyzing the institutional machinery of the Central Bureau of Investigation.

7.2.4. Undertaking a jurisdictional distillation of the authorities cited, this Court acknowledges that the protection afforded by Section 197 of the Code is not a "Blanket Immunity" for every act committed during a public servant's tenure. While *Choudhury Parveen Sultana (supra)* remains a guiding light in preventing the abuse of statutory shields for purely private crimes, the subsequent evolution of the "Nexus Test" has introduced a significant degree of "Jurisprudential Refinement." The inquiry has shifted from a binary assessment of "duty versus crime" to a more nuanced examination of whether the act complained of, even if allegedly excessive, was an inseparable byproduct of the officer's official mandate.

7.2.5. Pursuing an inquisitorial discovery beyond the citations provided by the Bar, I find the ratios in *State of Orissa v. Ganesh Chandra Jew [(2004) 8 SCC 40]* and *D. Devaraja v. OwaisSabeer Hussain [(2020) 7 SCC 695]* to be of profound, perhaps even dispositive, relevance. The law

has moved past a simplistic binary; the settled "Reasonable Nexus Test" does not ask whether a specific act, such as intimidation or high-handedness, constitutes a "duty" in the abstract. Rather, it demands an inquiry into whether the act was committed under the "Colour of Office." If the alleged excess is inextricably linked to the performance of an official function, the protective umbrella of Section 197 is immediately and irresistibly attracted, shielding the officer from a prosecution that lacks the requisite executive clearance.

7.2.6. Sifting the factual matrix through the sieve of the "Nexus Test," this Court finds that the present case is fundamentally distinguishable from instances of "Purely Private Crimes" committed by officers. A "Triad of Jurisdictional Facts" emerges here, which anchors the alleged acts firmly within the perimeter of official duty:

- a. The Complainant was present at Nizam Palace not by choice or private invitation, but in strict obedience to a statutory notice issued under Section 160 of the Code;
- b. Petitioner No. 2 was present not as a private individual, but *ex virtute officii* as the designated Investigating Officer of a federal probe;
- c. The interrogation itself was the very *raison d'être*, the sole reason for existence, of the meeting.

These characteristics collectively confirm that the encounter was a creature of the statute, not a chance or personal confrontation.

7.2.7. Drawing a Jurisprudential Contrast with the State's reliance on *Om Prakash Yadav (supra)*, this Court finds that the allegations therein involved acts entirely *de hors*, outside, the scope of an officer's mandate. In the present matrix, however, the alleged acts, pressuring a witness to sign a statement, are fundamentally intertwined with the *modus operandi* of a federal investigation. Even if the officer's conduct was "over-zealous" or "robust" to the point of causing subjective discomfort, such acts were performed under the "Aegis of Official Duty." To hold otherwise would be to hand a "Procedural Weapon" to the State machinery, allowing it to systematically achieve the "Institutional Decapitation" of federal probes by merely inserting a charge of "abuse" or "threat" into an FIR to bypass the mandatory statutory filter of Section 197.

7.2.8. Identifying a fundamental Jurisprudential Disjunction, this Court finds that the ratio of *Choudhury Parveen Sultana* is wholly inapplicable to the present factual matrix. That precedent addresses "Purely Private Crimes" that bear no relation to the officer's mandate. In the present case, however, the alleged interaction was not a stray or independent criminal act; it was "Statutorily Anchored" in the official process of investigation. The allegations of intimidation and forgery, which I have already noted as "Factually Paradoxical," occurred during the very discharge of official functions. Consequently, the act cannot be surgically removed from the officer's status as the Investigating Officer for the purpose of avoiding the "Sanction Shield."

7.2.9. Arriving at a point of Indivisible Nexus, this Court finds that the link between the alleged acts and the officer's mandate is not merely reasonable; it is "Inherent and Absolute." To deny Petitioner No. 2 the protection of Section 197 under these circumstances would be to sanction a "Procedural Veto" in the hands of a witness, granting any subject of an investigation the power to halt a federal probe by simply alleging "High-Handedness." Such a precedent would subvert the very essence of a fair and independent inquiry, replacing "Statutory Authority" with "Administrative Sabotage." Consequently, no FIR could have been legally registered, and no investigation could have proceeded, without the prior "Jurisdictional Trigger" of a sanction from the Central Government.

7.2.10. Pronouncing a threshold decree upon the statutory immunity of the officer, this Court holds that the acts alleged possess a "Direct and Inseparable Nexus" with the discharge of official duty. The protection afforded by Section 197 of the Code is not merely a trial-stage defense, but an "Absolute Interdict" at the very threshold of the criminal process. By registering the FIR and initiating an investigation without the prior "Jurisdictional Trigger" of a sanction from the Central Government, the State has committed a "Manifest Illegality" that strikes at the root of the proceeding. Consequently, the entire investigative exercise is *void ab initio* for want of competence. Question No. 2 is, accordingly, answered in the affirmative, against the State and in favour of the Petitioners.

### **7.3. The Statutory Bar under Section 195 Cr.P.C. and Offences Against Public Justice**

7.3.1. Turning our focus to the structural integrity of the criminal process, the Court must now determine whether the State Police possessed the jurisdictional mandate to initiate an FIR and pursue an investigation into offences under Sections 193, 195, and 196 of the Indian Penal Code. This inquiry centers on whether such proceedings are rendered *void ab initio* by the categorical embargo engrafted in Section 195(1)(b)(i) of the Code of Criminal Procedure, 1973. I called upon to decide if the "Judicial Filter," a mechanism meticulously designed by the Legislature to safeguard the administration of justice, can be circumvented by a private FIR in instances where the sanctity of evidence destined for a Court is the primary subject of dispute.

7.3.2. Centering the Petitioners' challenge upon a factual-jurisdictional nexus, Mr. Mondal submits that the essence of the Complainant's grievance, the alleged "coerced fabrication of evidence" under Section 161 of the Code, is inextricably linked to an ongoing federal prosecution. Given that this statement was destined for the evidentiary record of the "Coal Scam Case" currently pending before the Special CBI Court, the Petitioners contend that the State Police has strayed into a "Prohibited Zone" of investigation. By invoking Category (6) of the celebrated *Bhajan Lal* precedent, he argued that the existence of an express legal bar renders the FIR a "nullity in law." The spirit of this submission is that the Executive cannot be permitted to perform a "Parallel Adjudication" on the veracity of evidence that falls within the sole and sovereign domain of the Special Court.

7.3.3. Navigating a sharp jurisdictional divergence, the State and the De-facto Complainant mount a spirited defense, asserting that the restrictive bar of Section 195 of the Code remains dormant during the embryonic stage of a police investigation. The pivot of their contention is a literalist interpretation that the statutory embargo merely prevents a Court from "taking cognizance" and does not, *ipso facto*, paralyze the inherent power of the police to probe a cognizable offense. In their estimation, the investigative machinery may proceed to its logical conclusion regardless of any future judicial hurdle. However, I find this line of reasoning to be a "Procedural Fallacy" of the highest order; it ignores the inescapable reality that where the ultimate judicial destination is legally barricaded, any parallel police inquiry into the veracity of evidence destined for a Special Court is not only redundant but constitutes a manifest overreach of executive power.

7.3.4. Engaging in a rigorous statutory exegesis, this Court finds that Section 195(1)(b)(i) of the Code operates as a "Jurisdictional Sentinel," explicitly mandating that no Court shall take cognizance of any offence punishable under Sections 193 to 196 of the IPC, among others, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except upon the complaint in writing of that Court or its authorized officer. While not explicitly highlighted by the Bar, I find the principles enunciated by the Constitution Bench in *Iqbal Singh Marwah v. Meenakshi Marwah* [(2005) 4 SCC 370] and the subsequent clarification in *Bandekar Brothers Pvt. Ltd. v. Prasad Vassudev Keni*

*[(2020) 20 SCC 1]* to be of profound relevance. The law is now crystal clear that the moment false evidence is "fabricated" for the purpose of being produced in a Court, the mandatory "Judicial Filter" is immediately attracted. This statutory protection is not a matter of administrative convenience, but a vital safeguard to ensure that the presiding Court remains the sole arbiter of the integrity of its own proceedings.

7.3.5. Achieving a factual-jurisdictional fusion within the present matrix, it remains an undisputed reality that the interrogation conducted at Nizam Palace was an integral component of an ongoing federal investigation, already under the supervisory and adjudicatory aegis of a Special CBI Court. Any statement recorded during such an exercise, performed under the mandate of a federal probe, is for all legal intents and purposes a "step in a judicial proceeding" within the ambit of Section 193 of the IPC. It follows, as an immutable legal corollary, that the alleged act of "fabricating" or "coercing" such a statement is inextricably woven into the administration of justice within that specific forum. Consequently, the State Police cannot be permitted to launch a parallel criminal inquiry into the veracity of these statements, as doing so would effectively empower the Executive to execute a "Collateral Attack" on the exclusive prerogative of the Special Court to determine the purity of its own evidentiary record.

7.3.6. Subjecting the State's contention to a teleological critique, this Court finds that the proposition of a police investigation proceeding where a Court is barred from taking cognizance is a "Profound Procedural Fallacy." It ignores the fundamental tenet that a criminal investigation is

not an end in itself, but a subordinate means to an eventual adjudication by a Court of competent jurisdiction. If the ultimate judicial destination is legally barricaded by the mandatory provisions of Section 195 of the Code, then permitting a parallel police inquiry into the "honesty" of a federal investigator's statutory statement results in a "Manifest Absurdity." Such an approach would sanction a "Roving and Fishing Inquiry" by one investigative agency into the methodology of another, thereby precipitating an intolerable "Collision of Jurisdictions" and reducing the "Judicial Filter" to a mere dead letter.

7.3.7. Invoking the precedential imperative established in *M.S. Ahlawat v. State of Haryana [(2000) 1 SCC 278]*, this Court must reiterate that the provisions of Section 195 are mandatory and admit of no "go-by" by any court, much less an investigative agency. By registering an FIR at the instance of a private individual for offences under Sections 193 and 196 of the IPC, the State Police has effectively executed an unauthorized "Jurisdictional Overstep," bypassing the Special CBI Court which remains the solitary authority competent to determine if its own proceedings were being tainted by fabricated evidence. The statutory requirement of a "complaint in writing" by the Court is a Non-Negotiable Jurisdictional Fact; to permit a police investigation to proceed without such a trigger is to sanction a "Procedural Shortcut" that the law expressly forbids as a matter of public policy.

7.3.8. Arriving at a point of jurisdictional finality, this Court finds that the offences alleged under Sections 193, 195, and 196 of the IPC fall squarely

within the "Prohibitive Orbit" of Section 195(1)(b)(i) of the Code. The State Police cannot be permitted to masquerade as a "Supervisory Body" over the investigative records of the CBI when those very records are destined for the exclusive and sovereign scrutiny of a Special Court. To hold otherwise would be to sanction an "Executive Encroachment," allowing a collateral attack on the integrity of a federal probe and subverting the "Judicial Filter" which the Legislature has specifically enacted as a bulwark against the harassment of officers and witnesses in relation to court proceedings.

7.3.9. Invoking the precedential imperative of *State of Haryana v. Bhajan Lal* [1992 Supp (1) SCC 335], specifically the mandates of Category (6) thereof, this Court finds its application to the present factual matrix to be both direct and irresistible. The Hon'ble Supreme Court has unequivocally decreed that where an express legal bar is engrafted within the provisions of the Code against the institution and continuance of a proceeding, this Court cannot remain a "Silent Spectator." To permit an investigation that is legally destined for a "Jurisdictional Dead-End" due to a lack of competence would be to sanction a "Manifest Abuse of Process." The inherent powers under Section 482 of the Code are designed precisely for such exigencies: to truncate a proceeding that, on its very face, offends a statutory prohibition and constitutes an exercise in futility.

7.3.10. Pronouncing a definitive order upon the jurisdictional competence of the State, this Court holds that the registration of an FIR for offences hit by the statutory bar of Section 195 of the Code is legally

impermissible, structurally unsustainable, and *void ab initio*. The mandatory "Judicial Filter" is a non-negotiable legislative command that cannot be bypassed through the artifice of a private FIR. Any parallel inquiry by the State Police into the veracity of statements intended for the exclusive consideration of a Special Court constitutes a "Jurisdictional Overreach" that this Court, in the exercise of its inherent powers, is duty-bound to truncate. To permit such an investigation to persist would be to sanction a "Legal Nullity" and a manifest abuse of the process of law. Question No. 3 is, accordingly, answered in the AFFIRMATIVE, against the State and in favour of the Petitioners.

#### **7.4. The "Cognizability" of Section 195A IPC and the "Jurisdictional Hook"**

7.4.1. Directing our attention to the procedural architecture of the complaint, the Court must now scrutinize whether the strategic invocation of Section 195A of the Indian Penal Code, rendered cognizable by the 2005 Amendment, functions as a legitimate "Jurisdictional Gateway" for the State Police to investigate the conduct of federal officers. This determination would hinge on whether the "cognizable" status of an offence possesses the legal gravitas to override the mandatory statutory and institutional "Shields" previously discussed. The crux of this inquiry is to discern if a mere procedural classification in the First Schedule can, by some legal alchemy, extinguish the substantive protections of Section 197 of the Code, or whether such an inclusion is a "Procedural Artifice" specifically designed to bypass the executive filter of prior sanction.

7.4.2. Advancing a spirited defence of the investigative process, the learned Counsel for the State, in concert with the De-facto Complainant, draws an aggressive jurisprudential pivot toward the recent pronouncement of the Hon'ble Supreme Court in *State of Kerala v. Sunil (supra)*. They contended with considerable vehemence that Section 195A stands as an autonomous, standalone, and cognizable edifice, specifically forged as a remedial instrument to insulate witnesses from the peril of intimidation. The essence of their submission is that because this specific provision bypasses the "Judicial Filter" of a Court-initiated complaint under Section 195(1)(b) of the Code, the State Police is not merely empowered, but constitutionally obligated, to register an FIR and embark upon an unfettered investigation into the alleged threats issued within the high-security precincts of Nizam Palace.

7.4.3. Mounting a formidable rebuttal to this procedural expansionism, Mr. Mondal, appearing for the Petitioners, cautions this Court against the "Strategic Dilution" of Section 197 through the "Backdoor Entry" of Section 195A. He argues with compelling clarity that the "Cognizability" of an offence and the "Statutory Immunity" of a public servant acting *ex virtute officii* are not mutually exclusive, but rather occupy distinct legal hemispheres. The core of his contention is that the State's reliance on the 2005 Amendment is a "Jurisdictional Crowbar," a calculated attempt to pry open an investigation that the law has otherwise double-locked behind the requirement of prior sanction. The Petitioners maintain that the procedural classification of a crime can never be permitted to serve as

a "Colourable Tool" to dismantle the substantive protections afforded to federal officers under the Code.

7.4.4. Subjecting the ratio in *Sunil (supra)* to a rigorous contextual deconstruction, this Court finds that while the Hon'ble Supreme Court has indeed expanded the remedial horizons for a threatened witness, the State's reliance upon it is fundamentally misplaced through a failure of categorical application. In the said case, the Apex Court clarified that a witness who is intimidated need not remain a hostage to the procedural delays of a Court-filed complaint under Section 340 of the Code. However, a seminal distinction, often overlooked in the heat of argument, must be drawn from the *Sunil's* case pertained to the conduct of a private individual attempting to subvert the course of justice. It did not contemplate, nor can it be judicially stretched to govern, the actions of a public servant engaged in a statutory interrogation under a federal mandate. The "Remedial Right" of a witness to report a crime cannot be conflated with the "Investigative Power" of the State to bypass the jurisdictional barriers of Section 197.

7.4.5. Establishing a rigorous jurisprudential segregation, this Court holds that the "Cognizability" of an offence and the "Statutory Requirement of Sanction" occupy two distinct and non-overlapping legal spheres. The former is a mere procedural classification under the First Schedule of the Code, which delineates the power of the police to arrest without a warrant; it does not, however, possess the legal alchemy to transmute a protected official act into an unprotected criminal one. Applying this logic

to the factual matrix at hand, the alleged "threat" namely, the cautionary intimation regarding the potential legal consequences for the complainant's family, transpired during a formal examination under Section 161 of the Code. In the high-stakes and often adversarial environment of a federal investigation, an officer's duty to explain the gravity of being an accessory to a crime may be subjectively perceived as "intimidation." However, such communication, performed within the four corners of a statutory interrogation, remains an act performed *ex virtute officii* and cannot be stripped of its immunity by the simple application of a "cognizable" label.

7.4.6. Envisaging the systemic repercussions of the State's contention, this Court must emphasize that to allow a subjective perception of "intimidation" to trigger a Section 195A investigation would be to effectively dismantle the institutional autonomy of the Central Bureau of Investigation. Such a precedent would invite the "Weaponization of Procedural Labels," subjecting every federal investigator to the looming shadow of "Retaliatory Prosecution" by the very subjects of their scrutiny. The State cannot be permitted to wield the cognizable nature of one penal section as a "Jurisdictional Crowbar" to forcibly pry open an inquiry into acts that are otherwise double-locked by the statutory mandate of sanction. While the 2005 Amendment may indeed bypass the "Judicial Filter" of Section 195, it remains legally impotent to breach the "Executive Filter" of Section 197, which stands as a constitutional sentry over the official discharge of duties.

7.4.7. Culminating this inquiry into the procedural manoeuvrings of the State, this Court finds that the absence of prior sanction from the Central Government remains an insurmountable jurisdictional barrier. The "Cognizable" label attached to Section 195A of the IPC is legally incapable of acting as a "Jurisdictional Solvent" to dissolve the mandatory protections afforded to acts performed during an official federal investigation. To hold otherwise would be to allow a "Procedural Artifice" to override a substantive statutory mandate, thereby striking at the very root of the legal order. The inclusion of this specific section in the FIR, while strategically clever, fails to cure the fundamental defect of jurisdiction that plagues the entirety of the State's case. Question No. 4 is, accordingly, answered in the negative, against the State and in favour of the Petitioners.

## **7.5 The "Forgery Paradox" and the Bhajan Lal Test of Inherent Improbability**

7.5.1. Moving to the substantive merits of the accusations, this Court is now called upon to apply a "Logical Filter" to the four corners of the FIR to determine whether the narrative propounded by the De-facto Complainant survives the rigorous test of Inherent Probability. This inquiry does not necessitate a premature appreciation of evidence, but rather a structural examination of whether the allegations, even when taken as an uncontroverted whole, offend the basic tenets of human conduct to such a degree that they qualify as "Manifestly Absurd" under Category 3 of the *Bhajan Lal* guidelines. The core of this determination

lies in whether the story of a "forced forgery" that resulted in no forged document is a credible grievance or a factual impossibility that defies the very nature of a criminal transaction.

7.5.2. Assailing the Petitioners' prayer for quashing, the learned Counsel for the State, in conjunction with the De-facto Complainant, urges this Court to exercise extreme judicial circumspection. Placing heavy reliance upon the principles enunciated in *CBI v. Aryan Singh [supra]* and *M/S Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra)*, they contend that the High Court, while exercising its inherent jurisdiction, is strictly prohibited from venturing into a "mini-trial." The essence of their argument is that the veracity or the alleged "improbability" of a complaint is a matter of evidence to be tested during the trial, and not at the threshold of a Section 482 petition. They maintain that as long as the FIR, on its face, alleges a cognizable offence, the statutory duty of the police to investigate remains sacrosanct and should not be "scuttled" by judicial intervention.

7.5.3. In sharp contrast to the State's plea for judicial restraint, Mr. Mondal, appearing for the Petitioners, invites this Court's scrutiny into the profound "Internal Contradictions" that permeate the narrative of the De-facto Complainant. He argues with considerable cogency that the story of a "forced forgery," wherein the Complainant was purportedly coerced into signing fabricated documents, yet simultaneously managed to maintain a steadfast refusal and was ultimately released without executing any incriminating statement, is a "Logical Mirage" that falls squarely within the

prohibited ambit of Category 3 of *State of Haryana v. Bhajan Lal (Supra)*. The Petitioners maintain that where the foundational allegations are so "transparently hollow" and "inherently improbable" that they offend the basic tenets of human logic, the High Court is not only empowered but is duty-bound to exercise its inherent powers to prevent the criminal process from being reduced to a farce.

7.5.4. In evaluating these competing contentions, this Court remains acutely cognizant of the restrictive parameters delineated in *M/S Neeharika Infrastructure (supra)*, which caution against the premature stifling of a legitimate investigative process. However, the mandate of the Hon'ble Supreme Court has never been to reduce the High Court to a state of judicial myopia, nor has it ever suggested that the Court must shut its eyes to "patent absurdities" or "inherent improbabilities" presented under the guise of an FIR. While a "mini-trial" is undeniably prohibited, a "judicial filter" is fundamentally required. The inherent power of this Court is the ultimate safeguard against the weaponization of the criminal process, and it must be invoked precisely when the narrative of the prosecution, even if uncontroverted, offends the very principles of human logic and common sense.

7.5.5. While not explicitly brought to the attention of this Court by the learned Counsel for either party, I find the ratio in *Shafiya Khan v. State of U.P. [(2022) 4 SCC 549]* and *Ramesh Chandra Gupta v. State of U.P. [2022 SCC OnLine SC 1634]* to be of profound relevance and authoritative guidance. These precedents clarify that the High Court's inherent power is

not a dormant jurisdiction but a vibrant one, designed to ensure that the criminal justice system is not utilized as a theatre for "extravagant" or "internally inconsistent" narratives that defy basic human logic. Where a complaint is found to be constructed upon a foundation of factual impossibilities, the Court is not only empowered but is duty-bound to intervene. To hold otherwise would be to allow the investigative machinery to be set in motion upon a story that, even if uncontroverted, is fundamentally incapable of sustaining a conviction in any court of law.

7.5.6. Upon a microscopic and clinical reading of the FIR, this Court encounters what can only be described as a "Forgery Paradox," a narrative that systematically dismantles its own foundational allegations. The De-facto Complainant's story is constructed upon three irreconcilable pillars of factual impossibility:

- (i) first, he alleges being shown "fabricated photographs and bills" under severe threat and coercion to implicate third parties;
- (ii) in the very next breath, he asserts a "clear denial" and a successful "refusal to sign" any statement or document; and
- (iii) finally, he admits to being permitted to depart from the precincts of Nizam Palace at 06:40 PM without having executed any incriminating instrument.

This sequence of events presents a glaring logical void; it suggests a scenario where a high-stakes, "coercive"

interrogation by federal officers, purportedly involving forgery and threats, concluded with the "coerced" party simply walking away, unyielding and empty-handed, with no forged document ever having been created, signed, or recovered.

7.5.7. Translating this factual void into the language of the Penal Code, it becomes patently clear that if the purported "coercion" and "threats" yielded no signature, and if no "fabricated document" was actually planted upon or recovered from the De-facto Complainant, the essential ingredients of Section 467 IPC (Forgery of valuable security) or Section 193 IPC (Fabrication of evidence) simply do not exist in either the physical or legal realm. The criminal law of this land does not contemplate the punishment of an "unsuccessful attempt to persuade a witness" under the specific and severe penal sections invoked herein. A charge of forgery without a forged instrument is a legal oxymoron; it is a story of logical self-defeat that fails to cross the threshold of a *prima facie* case. To allow a prosecution to proceed on such a basis would be to sanction the trial of a "ghost allegation" that has no anchor in the material facts of the case.

7.5.8. In light of the aforementioned logical void, this Court finds that the ratio in *CBI v. Aryan Singh (supra)*, which was vehemently pressed into service by the State, finds no fertile ground for application in the present factual matrix. While the Hon'ble Supreme Court in *Aryan Singh* cautioned against a "mini-trial" where a *prima facie* case exists, it did not mandate judicial acquiescence in the face of a self-destructive narrative. In the

instant case, the Court is not required to weigh the evidence of the defence against the prosecution; rather, the Complainant's own story acts as a "Legal Harakiri," destroying the very possibility of the offence ever having occurred. When the foundational facts of a complaint are so internally corrosive that they dissolve the legal charge of "forgery" at its very inception, the mandate of *Aryan Singh* to proceed to trial becomes an exercise in futility, for there is no "triable issue" left to adjudicate.

7.5.9. In view of the foregoing, this Court finds that the allegations fall squarely and inescapably within the prohibited ambit of Category 3 of *Bhajan Lal*, "Where the uncontroverted allegations made in the FIR... are so absurd and inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused." To permit the state machinery to persist with an investigation into a "forgery" that the Complainant himself admits to have successfully resisted, and which has notably failed to produce a single shred of documentary evidence, would be to sanction a "fishing and roving inquiry" into the internal operations of a federal agency under the thin veil of criminal law. This Court cannot remain a passive observer to a proceeding that lacks a *prima facie* pulse; to do so would be to allow the criminal process to be utilized not as a shield for the victim, but as a sword against the investigator.

7.5.10. In the final analysis, the allegations contained in the impugned FIR are found to be internally contradictory, logically inconsistent, and inherently improbable to the point of being legally non-existent. They fail

to meet even the most liberal threshold of a *prima facie* case and instead present a narrative that is fundamentally at odds with the natural course of human conduct. To compel the Petitioners to undergo the rigors of a criminal trial based on a "forgery" that, by the Complainant's own admission, never reached fruition, would be to sanction a gross perversion of the judicial process. This Court, therefore, finds that the continuation of such a proceeding would be an exercise in futility and a direct affront to the ends of justice. Question No. 5 is, accordingly, answered in the affirmative in favour of the Petitioners.

#### **7.6. The "Counter-Blast" Theory and Manifest Malice**

7.6.1. The final and perhaps most consequential question that falls for determination before this Court is whether the impugned FIR, when viewed through the critical prism of its strategic timing, the jurisdictional anomaly of its registration, and the highly sensitive backdrop of the court-monitored "Coal Scam" investigation, constitutes a "Counter-Strike" or a "Counter-Blast." This Court is tasked with adjudicating whether the criminal machinery of the State has been set in motion to vindicate a genuine grievance, or whether it has been pre-meditatedly deployed as a tactical strike designed to obstruct the due process of justice and derail a national-level probe. The pivot of this inquiry is to discern if the legal process is being weaponized to create a "Litigation Shield" for those currently under the investigative scanner of a federal agency.

7.6.2. The learned Counsel for the Petitioners, in a spirited challenge, contends that the impugned FIR is a "textbook example" of Category 7 of

the celebrated guidelines enunciated in *State of Haryana v. Bhajan Lal (supra)*. It is argued with considerable force that the criminal proceeding is manifestly attended with *mala fide* and has been maliciously instituted with the ulterior motive of wreaking vengeance upon the Investigating Officer for his role in a sensitive federal probe. Mr. Mondal, appearing for the Petitioners, points to the "legalistic and precisely drafted" nature of the complaint, replete with the technical nomenclature of the Indian Penal Code, and the inexplicable choice of a distant, remote police station as incontrovertible evidence of a pre-planned, "engineered" conspiracy to harass the federal IO and, by extension, to cripple the CBI's institutional mandate.

7.6.3. Countervailing the Petitioners' stance, the learned Counsel for the State, in conjunction with the De-facto Complainant, submits that the existence of "malice" or "ulterior motive" is essentially a question of fact that cannot be adjudicated at the threshold, but must be left to the rigors of a full-fledged trial. Drawing sustenance from the ratio in *M/S Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra (supra)*, they argue that this Court, in its inherent jurisdiction, is precluded from quashing an FIR on the mere plea of a "counter-blast." The State maintains that the police are under a mandatory statutory obligation to investigate every cognizable complaint which, on its face, discloses the commission of an offence, and any judicial interference at this nascent stage would amount to a premature stifling of a legitimate criminal process.

7.6.4. While this Court is acutely cognizant of the general rule that "malice" or "ulterior motive" alone, however pervasive, may not constitute a sufficient ground for quashing a criminal proceeding if the allegations *ex facie* disclose a cognizable offence, the law is equally emphatic that the High Court cannot remain a mute spectator to a series of "procedural red flags." Where the cumulative effect of the surrounding circumstances points to a patent abuse of the process of law, the Court is not only empowered but is duty-bound to pierce the veil of the complaint. The inherent power under Section 482 of the Code is designed precisely for such exigencies, to ensure that the criminal justice system is not reduced to a tool of administrative obstruction or private vengeance under the garb of a statutory investigation.

7.6.5. In this regard, while not explicitly cited by the Bar, I find the ratio in *State of Karnataka v. L. Muniswamy* [(1977) 2 SCC 699] and the more recent observations in *Salib @ Shalu @ Salim v. State of U.P.* [2023 SCC OnLine SC 947] to be of profound relevance. The Hon'ble Supreme Court has consistently held that the High Court, while exercising its inherent powers, must look at the "entirety of the circumstances" to discern whether the criminal justice system is being utilized as a weapon of harassment or a tool of administrative obstruction. If the "whole of the matter" reveals that a proceeding is being carried on for an ulterior motive or to satisfy a private grudge, the ends of justice would be poorly served by allowing the investigative machinery to continue its course. In the present matrix, this Court is compelled to examine the "Counter-

Blast" theory not as a mere defence of the accused, but as a discernible reality emerging from the chronological and geographical anomalies of the complaint itself.

7.6.6. In the backdrop of these settled legal postulations, the task before this Court is to determine whether the "Counter-Blast" asserted by the Petitioners is a mere speculative defence or a discernible reality etched into the very face of the record. To reach a just conclusion, one must look beyond the sterile text of the FIR and examine the "Environment of the Litigation." It is the duty of the High Court to scrutinize whether the criminal machinery has been set in motion as a bona fide pursuit of justice or as a tactical manoeuvre to create an "Inter-Agency Friction" intended to dampen the morale of a federal officer. Consequently, I shall now proceed to examine the specific factual indicators, the "Procedural Red Flags," which, in the opinion of this Court, strip the impugned FIR of its veneer of legitimacy.

7.6.7. Upon a clinical analysis of the record, this Court finds three specific and converging factors that lead to the inescapable conclusion of manifest malice. These "procedural red flags" are not merely incidental but are indicative of a pre-meditated design to obstruct the federal mandate:

- a. It is an undisputed fact that the "place of occurrence" for the alleged threats and coercion was Nizam Palace, situated in the heart of Kolkata and falling squarely within the jurisdiction of the Bhowanipore Police Station. Yet, the De-facto Complainant chose to travel a significant distance,

bypassing several intermediary police stations, to register the FIR at Bishnupur P.S. in the South 24 Parganas district. This Court finds that no plausible or rational explanation has been offered for this blatant exercise in "forum shopping." Such a deliberate selection of a distant jurisdiction is a classic hallmark of a "controlled" prosecution, designed to cause maximum procedural harassment to the federal officers.

- b. While a one-day delay in lodging an FIR is not always fatal, it assumes a sinister character when viewed in the context of an alleged "threat to life" and "forgery" involving high-ranking federal investigators. A person truly in "perpetual fear" for his nine-month-old infant would, in the natural course of human conduct, seek immediate redress at the nearest available precinct. Instead, the complainant waited twenty-four hours to produce a "legally perfected and precisely drafted" document. The sophisticated use of penal nomenclature and the meticulous structuring of the narrative suggest that the complaint was not a spontaneous outburst of a victim, but a "calculated afterthought" engineered with legal assistance to fit specific criminal categories.
- c. Perhaps most significantly, the FIR was lodged as an immediate reaction to the complainant being summoned and examined in a highly sensitive, court-monitored, multi-crore

political scam. The initial inclusion and subsequent deletion of the Prevention of Corruption Act reveals an over-exuberant intent to characterize the Investigating Officer's routine interrogation as a "non-bailable" criminal enterprise.

This sequence of events leaves no doubt in the mind of this Court that the FIR was intended to act as a "Litigation Shield," aimed at decapitating the federal probe by criminalizing its lead investigators.

7.6.8. Furthermore, this Court finds that the facts of the present case are starkly distinguishable from the ratio in *CBI v. Aryan Singh [2023 (18) SCC 399]*, which was pressed into service by the learned Counsel for the State. In the *Aryan Singh* matter, the allegations were substantive, involving a clear and present criminal act that necessitated a trial. Conversely, in the instant case, the "Counter-Blast" is not a mere speculative allegation raised by the Petitioners as a defense; rather, it is a discernible and documented reality emerging from the very face of the record. The chronological proximity between the complainant's examination in the "Coal Scam" and the lodging of this FIR at a distant jurisdiction creates a nexus of malice that is too pervasive to be ignored. Unlike a routine criminal case where "malice" is a latent question of fact, the malice here is patent and manifest, rendering any further investigation a futility in law.

7.6.9. It is the considered view of this Court that the impugned FIR represents a transparent attempt to provide a "Litigation Shield" to an

individual already under the investigative scanner of a federal agency. To permit such a proceeding to continue would be to sanction a dangerous precedent where every high-profile accused, or even a recalcitrant witness, could effectively paralyze a CBI investigation by simply orchestrating a parallel, retaliatory FIR in a remote police station. Such a practice would have a "chilling effect" on the independence and fearlessness of investigative agencies, rendering them vulnerable to administrative and political sabotage under the guise of local police inquiries. This case, therefore, falls squarely within the restorative ambit of Category 7 of the *Bhajan Lal* guidelines, as it is a manifest abuse of the process of law, instituted with the singular and ulterior motive of obstructing a national investigation of immense public importance.

7.6.10. The cumulative effect of the geographical anomalies, the temporal delay, the sophisticated legal tailoring of the complaint, and the high-stakes institutional context leads this Court to a singular and inescapable conclusion that the impugned FIR is a manifest abuse of the process of law. It has been maliciously instituted with the ulterior motive of wreaking vengeance upon a federal Investigating Officer and to obstruct a sensitive investigation of national importance. To allow such a proceeding to continue would be to permit the criminal justice system to be hijacked by those seeking to create a "Procedural Veto" against the rule of law. This case falls squarely within the restorative ambit of Category 7 of the *Bhajan Lal* guidelines, warranting the immediate and total intervention of

this Court to prevent a grave miscarriage of justice. Question No. 6 is, accordingly, answered in the AFFIRMATIVE in favour of the Petitioners.

## **8. CONCLUSIONS AND SUMMARY OF FINDINGS**

8.1. On a cumulative assessment of the discussions held in respect of questions 1 to 6, this Court arrives at the following inescapable conclusions:

- I. The preliminary objection regarding *locus standi* is rejected. Petitioner No. 1 (CBI) is an "aggrieved person" as the impugned FIR targets its institutional integrity and the legality of its core investigative processes at Nizam Palace.
- II. The acts complained of summoning and examining a witness possess an "inseparable nexus" with official duty. The failure of the State Police to obtain prior sanction under Section 197 Cr.P.C. at the threshold renders the registration of the FIR a manifest illegality.
- III. The allegations pertaining to the "fabrication of evidence" (Sec. 193, 195, 196 IPC) are hit by the absolute statutory embargo of Section 195(1)(b)(i) Cr.P.C., as they relate to proceedings destined for a Special Court.
- IV. The "Forgery Paradox" in the complainant's narrative, alleging coercion to sign while simultaneously admitting a successful refusal and subsequent release, renders the FIR "inherently improbable" under Category 3 of *Bhajan Lal*.

- V. The choice of a distant jurisdiction (Bishnupur), the timing of the complaint, and the one-day delay collectively establish that the FIR is a "Counter-Blast" designed to intimidate federal officers and derail the Coal Scam probe.

## **9. THE RATIO DECIDENDI (The Points of Law)**

9.1. The legal principles emanating from this discussion, which govern the resolution of this case, are as follows:

- a) On the "Nexus Test" for Investigation, the protection under Section 197 Cr.P.C. is not restricted to the *lawful* discharge of duty but extends to any act committed *under the colour of office*. Allegations of "excess" or "high-handedness" during a statutory interrogation do not strip an officer of this protection; rather, they reinforce the necessity of a prior sanction to prevent "investigative sabotage."
- b) On the institutional Locus Standi, a federal investigating agency has the *locus standi* to challenge a state-registered FIR when that FIR criminalizes the agency's internal, statutory investigative procedures, as such an FIR constitutes a direct interference with the "Institutional Autonomy" of the agency.
- c) On the Supremacy of the "Judicial Filter," the mandatory bar under Section 195(1)(b)(i) Cr.P.C. cannot be bypassed by a private individual filing an FIR. When an offence affects the administration of justice in a Court, only *that* Court has the jurisdiction to initiate prosecution.

d) On the limits of Cognizability (Section 195A), the fact that an offence is "cognizable" (such as threatening a witness) does not serve as a "jurisdictional hook" to override the requirement of prior executive sanction for public servants under Section 197 Cr.P.C.

### **10. CONSEQUENTIAL ORDER AND FINAL DIRECTIONS**

10.1. In view of the detailed findings as recorded in the preceding paragraphs, and for the reasons set forth therein, this Court concludes that the continuation of the criminal proceedings against the Petitioners is not only legally unsustainable but also detrimental to the administration of justice. Therefore, the present Criminal Revisional Application being CRR 2164 of 2022 is allowed on the following directions:

- i. The Bishnupur Police Station Case No. 361 of 2022 dated 27.05.2022, registered under Sections 120B, 193, 195, 195A, 196, 465, 467, 468, 471, 506(ii), and 34 of the Indian Penal Code, along with all consequential proceedings, including any charge-sheet, summons, or warrants emanating therefrom, are hereby quashed and set aside in its entirety as against all the Petitioners and "unknown officials" named therein.
- ii. All investigative steps taken by the State Police, including but not limited to the recording of statements, collection of documents, or any forensic analysis conducted in connection with the said FIR, are hereby declared null and void.

- iii. The State Police is directed to immediately cease any ongoing inquiry or surveillance related to this matter.
- iv. Any documents, digital devices, or personal records belonging to the Petitioners or Petitioner No. 1 (CBI) that may have been seized or obtained during the pendency of the investigation shall be returned to the office of the Additional Superintendent of Police, CBI (Petitioner No. 2) at Nizam Palace within seven (7) days from the date of this order.
- v. The interim order of stay granted by this Court on 29.06.2022, and subsequently extended from time to time, has served its purpose in protecting the Petitioners from coercive action during the pendency of this litigation, is hereby vacated.
- vi. All pending applications connected with this Revisional Application, if any, shall stand disposed of in terms of this order.
- vii. Petitioner No. 2 and the team of officers at Petitioner No. 1 (CBI) are directed to proceed with the investigation into the "Coal Scam" (RC0102020A0022) with full professional rigor and independence, without any apprehension of retaliatory prosecution or state interference.
- viii. The State of West Bengal and its police machinery are directed to ensure that federal investigators are allowed to discharge their statutory duties at Nizam Palace in an environment free from "Counter-Blast" litigations.

- ix. The Officer-in-Charge of Bishnupur Police Station is directed to transmit a copy of this judgment and the closed case file to the Learned Special Judge, CBI Court, for the purpose of the Court's record, ensuring that no further proceedings are entertained in relation to the quashed FIR.
- x. This Court finds no reason to impose costs, as the primary objective is the preservation of the rule of law and the prevention of the abuse of the process of the Court.
- xi. Let a copy of this judgment be communicated to the Director General of Police, West Bengal, and the Head of Branch, CBI, Kolkata, for immediate compliance with the directions contained herein.

10.2. CRAN 15 of 2026 is also disposed of accordingly.

10.3. The Trial Court Record (TCR), if any, shall be sent down to the Trial Court, at once.

10.4. Case diary, if any, be returned forthwith.

10.5. The judgment is delivered.

10.6. Urgent Photostat certified copy of this judgment, if applied for, be given to the parties, as expeditiously as possible, upon compliance with the necessary formalities in this regard.

**(Uday Kumar, J.)**