



HIGH COURT OF TRIPURA
AGARTALA
W.P.(CrI)8/2026

Madhabi Biswas Chakraborty @ Madhavi Biswas Chakraborty @ Moon Moon Biswas, D/o Sri Ratan Biswas & Smt. Usha Rani Biswas, resident of Jogendranagar, Agartala, P.O. Jogendranagar, P.S. East Agartala, District- West Tripura, Pin-799004

-----Petitioner(s)

Versus

1. The State of Tripura, represented by learned Public Prosecutor, Hon’ble High Court of Tripura;

2. The Investigating Officer, East Agartala Police Station case No. 2025 EAG 108, East Agartala Police Station, Agartala, West Tripura (*notice to be served through the Id. Public Prosecutor, Hon’ble High Court of Tripura*);

-----Respondent(s)

W.P.(CrI)9/2026

Madhabi Biswas Chakraborty @ Madhavi Biswas Chakraborty @ Moon Moon Biswas, D/o Sri Ratan Biswas & Smt. Usha Rani Biswas, resident of Jogendranagar, Agartala, P.O. Jogendranagar, P.S. East Agartala, District- West Tripura, Pin-799004

-----Petitioner(s)

Versus

1. The State of Tripura, represented by learned Public Prosecutor, Hon’ble High Court of Tripura;

2. The Investigating Officer, West Agartala Police Station case No. 2025 EAG 113, West Agartala Police Station, Agartala, West Tripura (*notice to be served through the Id. Public Prosecutor, Hon’ble High Court of Tripura*);

-----Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. T. Dhar, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP
Date of hearing	:	05.08.2026
Date of delivery of judgment & Order	:	12.08.2026
Whether fit for reporting	:	Yes

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

Judgment & Order

(Dr.T. Amarnath Goud, J)

Both the writ petitions have been taken up together for disposal by a common judgment and order since common questions of law and facts are involved in the matters.

2. The writ petitions are filed by the petitioner under Section 226 of the Constitution of India read with Section 528 of BNSS, 2023 and Article 21 of the Constitution of India, seeking a direction for quashing the FIR relating to East Agartala PS case No. 2025EAG108 and West Agartala PS case No. 2025WAG113, registered under Sections 356(2),356,356(3) of the BNS, 2023 and Section 67 of IT Act, 2000 and also for quashing the charge-sheets dated 29.12.2025 and 31.12.2025.

3. On the basis of a complaint lodged by the complainants, FIRs had been registered against the petitioner, who is allegedly a content creator. In the FIR it was alleged that the petitioner used abusive, derogatory and criticizing language to malign the Prime Minister of India. In the complaint it was further alleged that the petitioner has used unwanted words regarding the Mayor of Agartala as well as Mata Tripureshwari. The petitioner was arrested in connection with the alleged incident, and subsequently she was released on interim bail by order of this Court dated 07.01.2026. Charge sheet was submitted in both the cases. A prayer for custodial interrogation was also filed by respondent No.2, which was dismissed by the trial court vide order dated 27.01.2026 and vide order dated 13.02.2026, the petitioner was enlarged on permanent bail. Thereafter, complaints were again lodged by the complainants therein alleging *inter alia* that the petitioner after being enlarged on bail has

been threatening the complainant to withdraw the complaint. It is further case of the petitioner that on 15.04.2026 she lodged a written complaint with the respondent no.2 with a complaint that her house has been ransacked and she and her son were brutally assaulted. It is the further grievance of the petitioner that since the complaint lodged by the complainant does not disclose any cognizable offence, the same i.e. the FIR and the charge sheet, are liable to be quashed and cancelled.

4. Heard learned counsel appearing for the parties.

5. Learned senior counsel Mr. P. Roy Barman, for the petitioner has submitted that from the face of the complaint there is no ingredients of Section 356, 356(2),356(3) of BNS. He has also submitted that the petitioner has only expressed her opinion and at no point of time she has made any defamatory statements against the PM or Mayor or Mata Tripureswari. Learned senior counsel has also submitted that the complaint is made out of political grudge indicating the petitioner belonging from a particular political party. He has also submitted that all the statements made by the witnesses in their 180 BNSS are omnibus statements and no ingredient of defamation could be established. He has also argued that since Section 356(2) has not been established thus section 67 of IT Act has no role in the instant case. Mr. Roy Barman, has further submitted that relating to the instant incident the house of the petitioner was ransacked and she and her son were assaulted brutally, but her complaint was not registered despite without any material evidence, FIR has been lodged against the petitioner. He has also submitted that the contents of the FIR do not disclose any cognizable offence hence the same is liable to be quashed. He has also submitted that no specific statements have been made against the PM or Mayor or Mata Tripureshwari so as to

constitute any offence under Section 356 of BNS. Learned senior counsel has further submitted that the entire case is based on political vengeance. Learned senior counsel also pointed out that the investigation performed by the respondent No.2 is perfunctory and politically motivated and the subsequent charge-sheet filed therein inherits those flaws, which has been filed without pointing to precise evidence, active role of the petitioner, or material facts against petitioner being accused of the case. Learned senior counsel has further submitted that the statements made by the petitioner was on good faith and she has only expressed her opinion and the same cannot come under purview of Section 356 BNS as it has been protected by *Exceptions (2)(3) and (6)* of Section 356 BNS. Learned senior counsel also has submitted that under Article 19(1)(a) of the Constitution, the petitioner has the right to express her thought, opinion and ideas, which she has done. Learned senior counsel has further submitted that though charge sheet has been filed and substantial witnesses have been examined, but there are provisions under law to quash the FIR as well as the charge sheet at this stage. Learned senior counsel has further submitted that since there is no specific case of defamation, the launching of investigation basing on a vague FIR is in itself contradictory and without proving the material ingredients of defamation, filing of charge sheet is abuse of the process of law and on to that ground learned senior counsel has urged for quashing of the FIR as well as the charge sheet. It has further been argued that despite filing of charge sheet in the instant case, the FIR can be quashed. In support of his submission, learned senior counsel has relied upon the decisions rendered by the apex court in ***Rajendra Bihari Lal and another vs. State of Uttar Pradesh & others***, reported in ***2025 LiveLaw (SC) 1021; Imran Pratapgadhi vs.***

State of Gujarat and anr. reported in **2025 SCC OnLine SC 678;**

State of Haryana vs. Bhajan lal reported in **1992 Supp (1) 335;**

6. Learned PP has submitted that the petitioner has intentionally has made derogatory words against the Hon'ble Prime Minister to defame him globally. Learned PP has further argued that Article 19 of the Constitution clearly postulates several restrictions to express one's view, ideas or expression and in the instant case the petitioner by no means is guided under Article 19 of the Constitution. Learned PP has also submitted that during investigation since *prima facie* offences have been made out, the IO being satisfied took cognizance of the offence and thereby submitted charge-sheet against the petitioner. It has further been submitted that after filing of charge sheet specific cases have been registered and at this stage quashing the FIR or the subsequent charge sheets will abuse the process of law. Learned PP has also submitted that the petitioner has deliberately attacked the sentiment of the people of Tripura by making derogatory statements against Mata Tripureswari. It has further been argued that since there is clear evidence and ingredients of the crime committed by the petitioner, quashing the FIRs and the charge sheet at this stage will not be appropriate and since the crime committed by the petitioner is against the society, the same cannot be quashed without trial. Learned PP has further submitted that the petitioner has been repeatedly making derogatory statements against the PM and other political dignitaries of India and State and thus, all are to be proved under trial, and trial has already been commenced. It is further argued by learned PP that the Hon'ble PM came to Tripura for performing the prayers and at that point of time, it was intended to get the inauguration done through him personally. Further, it is also contended that the prayers are not offered online and accordingly the

petitioner cannot say that a huge amount has been spent for floral decoration and for other arrangements. In the event, if the PM is visiting a place it is obvious that all necessary arrangements as per protocol needs to be done including arrangement and security. In support of his submission, learned PP has relied on the decisions of the apex court in ***Abhishek Singh vs. Ajay Kumar and ors.*** reported in ***2025 SCC OnLine SC 1313***; ***Somjeet Mallick vs. State of Jharkhand and ors.***, reported in ***(2024) 10 SCC 527***.

7. In the modern era, social media has become an integral part of lives of the people. The same is used to communicate, share information and connect each other. False information can spread quickly in social media platform and ultimately cause damage to a person's reputation in a short period of time. In recent time, most of the people begun to express their view points on various topics and simultaneously, the same is used to for cyber defamation to defame others online. From the contents of the FIR, it is seen that the petitioner has used derogatory words against the Prime Minister of India and Mayor of the State with an intention to defame them globally. An outline from the statements / words used by the petitioner drew criticism against the PM and Mayor by mocking at their name and surname and also to some extent hurt the sentiment of the people of State who worship Mata Tripureswari. Such unprivileged statement made by the petitioners caused harm to the personal and professional reputation of the Prime Minister and the Mayor of the State and the same can constitute defamation. The complainants, therefore, retain their right to sue for defamation.

8. After filing of the complaints, investigation launched following filing of charge sheet. In the charge-sheet, statements of witnesses under Section 180 BNSS were recorded which on face being

corroborative in nature. During the course of investigation, the IO seized the mobile phone of the petitioner, but the video clips/screen records could not be seized and sought for time to produce the related videos before the trial court. Thus, it can be presumed that investigation has not been completed since the IO is to produce the videos before the trial court though the mobile of the petitioner has been seized. Under Section 193(9) of the BNSS, if further documentary evidence comes to light during ongoing investigation, it is open for the investigating agency to produce the same before by submitting supplementary charge sheet before the trial court. The IO of the instant case is always at liberty to file supplementary charge-sheet before the trial court, if any documentary evidence is revealed.

9. Section 356 BNS, punishes criminal defamation made through words, signs or visible representations intended or known to harm a person's reputation. The concept of defamation seeks to protect the invaluable asset of reputation by providing necessary safeguards for genuine expression and fair comments through any means. Defamation is a reasonable restriction on freedom of speech as under Article 19(2) of the Constitution it balance the right to freedom of speech with right to reputation. Freedom of speech is a fundamental right, but it does not protect the publication of defamatory, abusive, or malicious content on social media. It is trite law that free expression is not a license to ruin reputation, and such person can face legal consequences for spreading false statements online. Posting false assertions, running malicious campaigns, or sharing unverified allegations online can trigger civil suits for damages or criminal prosecution. In order to constitute defamation it must be satisfied that the statements made or published was understood by others and in a defamatory sense and the impact of the defamatory statement can

only be assessed by examination of the person who heard or read the alleged defamatory statement or post. In the instant case, it is at the stage of appearance and supply of accused copy. Thus, the cases instituted against the petitioner are at the nascent stage.

10. Under Indian criminal law, the police have a statutory right to conduct further investigation and file a supplementary charge sheet under Section 173(8) of the CrPC (now Section 193(3) of the BNSS) without any requirement for a prior order quashing the original FIR or charge sheet. The filing of a supplementary report is a continuation of the initial process. Supplementary charge sheet simply adds material to the ongoing case. In this case, the petitioner can simultaneously face a supplementary charge sheet and pursue a petition for quashing the entire matrix i.e. the FIRs and the original and supplementary charge sheets, if the ingredients of the alleged offense are absent. Coming to the question whether a further investigation is warranted, the hands of the investigating agency or the Court should not be tied down on the ground that further investigation may delay the trial, as the ultimate object is to arrive at the truth. In the instant case, the petitioner's comments *prima facie* seem to be a misuse of the liberties in the garb of freedom of speech through her mobile. The IO of the case has evidently seized the mobile phone of the petitioner and collected materials but, could not trace out the videos and sought substantial time to submit the videos, and to unearth the real face, further investigation is required. When a mobile phone is seized in a defamation case and no videos are found, the police or court may order further investigation to recover deleted data, check cloud backups, or find other proof. Sub-section (9) of Section 193 of BNSS permits further investigation, and even dehors any direction from the Court as such, it is open to the police to conduct proper investigation,

even after the Court took cognizance of any offence on the strength of a police report earlier submitted.

The Prime Minister holds a high constitutional office in India, and while political criticism is part of democracy, posting abusive, defamatory, or derogatory language targeting the Prime Minister on social media is illegal. Law enforcement actively monitors and takes legal action against such offensive content under Indian law. Police can register FIR under laws covering defamation, public mischief, and intentional insult with intent to provoke a breach of the peace.

11. In *Abhishek Singh (supra)*, it has been held thus:

“9. The scope of the Court’s power to quash and set aside proceedings is well-settled to warrant any restatement. While the arguments advanced have the potential to raise many issues for consideration, we must first satisfy ourselves as to the propriety of the exercise of such power by the High Court. The task of the High Court, when called upon to adjudicate an application seeking to quash the proceedings, is to see whether, prima facie, an offence is made out or not. It is not to examine whether the charges may hold up in the Court. In doing so, the area of action is circumscribed. In *Rajeev Kourav v. Baisahab*, it was held :

“8. It is no more res integra that exercise of power under Section 482 CrPC to quash a criminal proceeding is only when an allegation made in the FIR or the charge-sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding.”

10. A reference may also be made to the recent decision of this Court in *Naresh Aneja v. State of U.P.*, where it was held that :

“18. It is well settled that when considering an application under Section 482 CrPC, the court cannot conduct a mini-trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some substance in the allegations made which could meet the threshold of statutory language.”

In *Somjeet Mallick (supra)*, the apex court has held thus:

“16. Before we proceed to test the correctness of the impugned order, we must bear in mind that at the stage of deciding whether a criminal proceeding or FIR, as the case may be, is to be quashed at the threshold or not, the allegations in the FIR or the police report or the complaint, including the materials collected during investigation or inquiry, as the case may be, are to be taken at their face value so as to determine whether a prima facie case for investigation or proceeding against the accused, as the case may be, is made out. The correctness of the allegations is not to be tested at this stage.

17. To commit an offence, unless the penal statute provides otherwise, mens rea is one of the essential ingredients. Existence of mens rea is a question of fact which may be inferred from the act in question as well as the surrounding circumstances and conduct of the accused. As a sequitur, when a party alleges that the accused, despite

taking possession of the Truck on hire, has failed to pay hire charges for months together, while making false promises for its payment, a prima facie case, reflective of dishonest intention on the part of the accused, is made out which may require investigation. In such circumstances, if the FIR is quashed at the very inception, it would be nothing short of an act which thwarts a legitimate investigation.

18. It is trite law that FIR is not an encyclopedia of all imputations. Therefore, to test whether an FIR discloses commission of a cognizable offence what is to be looked at is not any omission in the accusations but the gravamen of the accusations contained therein to find out whether, prima facie, some cognizable offence has been committed or not. At this stage, the Court is not required to ascertain as to which specific offence has been committed. It is only after investigation, at the time of framing charge, when materials collected during investigation are before the Court, the Court has to draw an opinion as to for commission of which offence the accused should be tried. Prior to that, if satisfied, the Court may even discharge the accused. Thus, when the FIR alleges a dishonest conduct on the part of the accused which, if supported by materials, would disclose commission of a cognizable offence, investigation should not be thwarted by quashing the FIR."

In ***State through Central Bureau of Investigation vs. Hemendhra Reddy and another***, reported in **(2023) 16 SCC 779**, the apex court has held thus:

"40. Section 173(8) of the CrPC deals with further investigation and supplementary report. In the Code of Criminal Procedure, 1898 (for short, 'the Old Code'), there was no identical provision to that of Section 173(8) of the CrPC. The same is a newly added provision in the CrPC. It was added on the recommendation of the Law Commission in its 41st Report that the right of the police to make further investigation should be statutorily affirmed.

43. After recognition of the right of the police to make repeated investigations under the Old Code in Divakar's case, a three-Judge Bench of this Court in *H.N. Rishbud v. State of Delhi* reported in AIR 1955 SC 196, held that:-

"It does not follow, however, that the invalidity of the investigation is to be completely ignored by the Court during trial. When the breach of such a mandatory provision is brought to the knowledge of the Court at a sufficiently early stage, the Court, while not declining cognizance, will have to take the necessary steps to get the illegality cured and the defect rectified, by ordering such reinvestigation as the circumstances of an individual case may call for. Such a course is not altogether outside the contemplation of the scheme of the Code as appears from Section 202 under which a Magistrate taking cognizance on a complaint can order investigation by the police. Nor can it be said that the adoption of such a course is outside the scope of the inherent powers of the Special Judge, who for purposes of procedure at the trial is virtually in the position of a Magistrate trying a warrant case."

46. The said inconsistency and incongruity in the judicial decisions was recognized by the Law Commission in its 41st Report (under Clause 14.23) and it was recommended that the right of the police to make further investigation should be statutorily affirmed. Accordingly, in the CrPC, Section 173(8), came to be introduced, which statutorily empowered the police to undertake further investigation after submission of the final report under Section 173(2) of the CrPC. Conspicuously, it still did not confer such powers on the Magistrate to direct further and/or fresh investigation after submission of the final report by the Police.

47. Section 173(8) of the CrPC may be fragmented or dissected as under:

- (1) Further investigation can be done in respect of an offence wherein report under Section 173(2) has been forwarded to the Magistrate; and
- (2) During further investigation, the officer-in-charge has power
 - (a) to obtain further evidence, oral or documentary,
 - (b) to forward to the Magistrate, a further report or reports regarding such evidence
 in the form prescribed,
- (3) The provisions of sub sections (2) to (6) shall, as far as may be, apply in relation to such further report or reports.

52. In *Rama Chaudhary Vs. State of Bihar* reported in (2009) 6 SCC 346, this Court held that, "further investigation within the meaning of provision of Section 173(8) CrPC is additional; more; or supplemental. "Further investigation", therefore, is the continuation of the earlier investigation and not a fresh investigation or reinvestigation to be started ab initio wiping out the earlier investigation altogether."

54. As observed in *Hasanbhai Valibhai Qureshi v. State of Gujarat and Others* reported in (2004) 5 SCC 347, the prime consideration for further investigation is to arrive at the truth and do real and substantial justice. The hands of investigating agency for further investigation should not be tied down on the ground of mere delay. In other words, the mere fact that there may be further delay in concluding the trial should not stand in the way of further investigation if that would help the court in arriving at the truth and do real and substantial and effective justice.

55. There is no doubt that “further investigation” and “re-investigation” stand altogether on a different footing. In *Ramchandran v. R. Udhayakumar and Others* reported in (2008) 5 SCC 413, this Court has explained the fine distinction between the two relying on its earlier decision in *K. Chandrasekhar v. State of Kerala and Others* reported in (1998) 5 SCC 223. We quote paras 7 and 8 as under:

“7. At this juncture it would be necessary to take note of Section 173 of the Code. From a plain reading of the above section it is evident that even after completion of investigation under sub-section (2) of Section 173 of the Code, the police has right to further investigate under sub-section (8), but not fresh investigation or reinvestigation. This was highlighted by this Court in *K. Chandrasekhar v. State of Kerala* [(1998) 5 SCC 223 : 1998 SCC (Cri) 1291] . It was, inter alia, observed as follows : (SCC p. 237, para 24)

“24. The dictionary meaning of ‘further’ (when used as an adjective) is ‘additional; more; supplemental’. ‘Further’ investigation therefore is the continuation of the earlier investigation and not a fresh investigation or reinvestigation to be started ab initio wiping out the earlier investigation altogether. In drawing this conclusion we have also drawn inspiration from the fact that sub-section (8) clearly envisages that on completion of further investigation the investigating agency has to forward to the Magistrate a ‘further’ report or reports—and not fresh report or reports—regarding the ‘further’ evidence obtained during such investigation.”

8. In view of the position of law as indicated above, the directions of the High Court for reinvestigation or fresh investigation are clearly indefensible. We, therefore, direct that instead of fresh investigation there can be further investigation if required under Section 173(8) of the Code. The same can be done by CB CID as directed by the High Court.”

56. This Court in *Hasanbhai* (supra) held thus:

“12. Sub-section (8) of Section 173 of the Code permits further investigation, and even dehors any direction from the court as such, it is open to the police to conduct proper investigation, even after the court took cognisance of any offence on the strength of a police report earlier submitted. All the more so, if as in this case, the Head of the Police Department also was not satisfied of the propriety or the manner and nature of investigation already conducted.

13. In *Ram Lal Narang v. State (Delhi Admn.)* [(1979) 2 SCC 322 : 1979 SCC (Cri) 479 : AIR 1979 SC 1791] it was observed by this Court that further investigation is not altogether ruled out merely because cognisance has been taken by the court. When defective investigation comes to light during course of trial, it may be cured by further investigation, if circumstances so permitted. It would ordinarily be desirable and all the more so in this case, that the police should inform the court and seek formal permission to make further investigation when fresh facts come to light instead of being silent over the matter keeping in view only the need for an early trial since an effective trial for real or actual offences found during course of proper investigation is as much relevant, desirable and necessary as an expeditious disposal of the matter by the courts. In view of the aforesaid position in law, if there is necessity for further investigation, the same can certainly be done as prescribed by law. The mere fact that there may be further delay in concluding the trial should not stand in the way of further investigation if that would help the court in arriving at the truth and do real and substantial as well as effective justice.”

62. In *Vinubhai* (supra); a three-Judge Bench of this Court has endeavoured to lay at rest the controversy enveloping the evasive issue of further investigation directed by the Magistrate. This Court, speaking through Justice R.F. Nariman, has laid down at Para 38 that:

“42. To say that a fair and just investigation would lead to the conclusion that the police retain the power, subject, of course, to the Magistrate's nod under Section 173(8) to further investigate an offence till charges are framed, but that the supervisory jurisdiction of the Magistrate suddenly ceases midway through the pre-trial proceedings, would amount to a travesty of justice, as certain cases may cry out for further investigation so that an innocent person is not wrongly arraigned as an accused or that a prima facie guilty person is not so left out. There is no warrant for such a narrow and restrictive view of the powers of the Magistrate, particularly when such powers are traceable to Section 156(3) read with Section 156(1), Section

2(h) and Section 173(8) CrPC, as has been noticed hereinabove, and would be available at all stages of the progress of a criminal case before the trial actually commences. It would also be in the interest of justice that this power be exercised suo motu by the Magistrate himself, depending on the facts of each case. Whether further investigation should or should not be ordered is within the discretion of the learned Magistrate who will exercise such discretion on the facts of each case and in accordance with law."

It was also clarified that,

"28. The "investigation" spoken of in Section 156(3) would embrace the entire process, which begins with the collection of evidence and continues until charges are framed by the Court, at which stage the trial can be said to have begun."

12. In view of the above discussions, this Court is not inclined to quash the FIRs and the charge sheets at this stage. Accordingly, the instant writ petition stands ***dismissed*** to the extent as indicated above. However, the Investigating Officer is directed to cause further investigation and file supplementary charge sheet in terms of Sub-section (9) of Section 193 of BNSS, before the trial court. It is made clear that after receipt of the supplementary charge-sheet, the trial court shall proceed in accordance with law. Petitioner shall be at liberty to agitate before the trial court.

Pending application(s), if any, also stands disposed.

S.DATTA PURKAYASTHA,J

DR.T. AMARNATH GOUD,J

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