

S/L 3
20.01.2020
Ct. No. 2
GB/CP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 1062 of 2019

***Pratima Limbu & Anr.
-Versus-
The State of West Bengal & Ors.***

Ms. Rima Sarkar

...For the Petitioners

***Mr. Debabrata Dhar,
Ms. Paramita Sahu.***

...For State Respondents.

Affidavit-of-service filed in Court today be kept on record.

This is an application filed by the petitioners seeking protection from alleged atrocities conducted upon the petitioners by the Officer-in-charge, Matigara Police Station and his subordinates.

It is the contention of the petitioners that before registering a first information report, the police authorities visited the house of the petitioners and misbehaved with and assaulted the petitioners. A complaint was also lodged with the Commissioner of Police on November 22, 2019, alleging, such misconduct on the part of the police. It is submitted by the petitioners that the police authorities did not have any right to enter into the premises of the petitioners and seek for the title documents on the basis of a complaint

of one Smt. Soma Das. It is further submitted that the police authorities could not enter the house and misbehave with the petitioner no. 1 who is an elderly and infirm lady. In the garb of the preliminary enquiry the police authorities could not abuse and assault the petitioners. The petitioners thus pray for protection against the police authorities.

The learned Additional Government Pleader has submitted a report from the Officer-in-charge, Matigara Police Station, Siliguri Police Commissionerate also endorsed by the Assistant Commissioner of Police from which it appears that one Smt. Soma Das filed a written complaint on May 21, 2018. Another complaint was received on November 22, 2019 and after preliminary enquiry Matigara P.S. Case No. 1004/2019 dated November 23, 2019 under Sections 447/323/354/465/468/471 and 506 of the Indian Penal Code was started against the petitioner no. 2. S.I. Ranjit Paul was in charge of the investigation. It is stated in the report that the said Ranjit Paul went to the locality for investigation.

It also appears that on November 22, 2019 Manwar Hossain went to the house of the petitioner no.2 for investigation purposes, in connection with Matigara P.S. GDE No-1250 dated November 22, 2019. It is also submitted that another enquiry was caused on the complaint filed by the petitioner no. 1 but the allegations

were not substantiated. However, from the written complaint dated November 30, 2019, it appears that the petitioner no. 1 had specifically alleged to the Commissioner, Siliguri Police Commissionerate that one Sub-Inspector, Manwar Hossain entered the residence of the petitioners on November 22, 2019 and manhandled the petitioners and, thereafter another police officer along with Manwar Hossain who claimed to be the relative of Smt. Soma Das entered into the premises. The petitioner no. 1 claiming to be an elderly lady and an asthma patient requested the Commissioner, Siliguri Police Commissionerate to look into the matter.

Having gone through the report of police officer-in-charge, Matigara Police Station and the submissions made by the petitioners, this Court is of the opinion that the investigation against the petitioner no. 2 will continue in accordance with law. The petitioner no. 1 should not be harassed unnecessarily. The petitioner no.1 will make herself available for general interrogation with regard to the pending investigation. The investigation will proceed according to law and will be reached to its logical conclusion. The petitioner no. 1 will also cooperate with the investigating authorities. If any further grievance is lodged to the Commissioner of Police by the petitioner no. 1 with regard to any police atrocities the same may be considered by the said authority in accordance with law.

This writ petition is disposed of.

The report filed by the police authorities is kept on record.

This order will not be construed as a fetter on the investigation and the commission of the alleged crime. The investigation will proceed in accordance with law and the police authorities will be free to take steps permissible in law.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties expeditiously subject to compliance of all usual formalities.

(Shampa Sarkar J.)