

AD. 13.
January 25, 2021.
MNS.

W. P. A. 599 of 2021
(**Via video conference**)

Sri Narayan Chandra Bhaumik
Vs.
The State of West Bengal and others

Mr. Bharat Chandra Simai

... for the petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das Chanda

...for the respondent-authorities.

The petitioner alleges that the private respondents, being the daughter-in-law of the petitioner and her parents, have assaulted the petitioner and his wife and issued serious threats to the petitioner. Upon approaching the police, it is submitted, the police did nothing in the matter.

On the last occasion when the matter was heard, a police report was filed, which was, in my view, insufficient as regards the action taken by the police on the petitioner's complaints, although it disclosed an investigation being undertaken on the counter complaint of the petitioner's daughter-in-law under Sections 498A/406/34 of the Indian Penal Code.

Pursuant to the direction of this Court, the police authorities file another report in court today, which discloses that, on the complaint of the petitioner, the police duly inquired into the matter and examined some local disinterested witnesses, whose names, addresses and details have been furnished in the report. However, upon enquiry, it appeared that no such incident, as alleged by the petitioner, took place and the allegations made by the petitioner were baseless.

The additional report filed in Court today be taken on record.

There is a limit up to which the writ court can interdict police action. In the event the police authorities are grossly inactive and/or the enquiry/investigation is *ex facie* tainted by *mala fides*, there is ample scope for the writ court to interfere. However, in the instant case, the police duly inquired into the matter and examined certain witnesses, whom the police claimed to be disinterested. The details of such witnesses have been disclosed in the report filed today, leading to the conclusion that the petitioner's allegations were baseless.

As such, there is no further scope for the court to guide the police authorities as to what

The court, not being an expert in the matter, ought not to dictate the police as to exactly what sort of inquiry/investigation is to be undertaken and/or what mode of investigation is to be adopted. Since the police have *prima facie* satisfied the court that due inquiry was undertaken on the complaint lodged by the petitioner, there is no further occasion to interfere with such enquiry.

Accordingly, W. P. A. 599 of 2021 is disposed of by granting the petitioner liberty to approach the police authorities in the event of any further instance of criminal act being perpetrated by any of the private respondents against the petitioner.

In the event of such complaint being made in future, the police shall take immediate action thereon.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)