

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 5691 of 2021

Razia Begum
Vs.
The State of West Bengal & Ors.

Mrs. Zainab Tahur
... For the petitioners

Mr. T.M. Siddiqui
Mr. N. Chatterjee
... For the State

Affidavit of service filed in Court today is taken on record. Despite service, no one appears on behalf of the respondents no.5, 6 and 7 (private respondents).

The petitioner says that the postal envelope containing the writ petition despatched to the private respondents have come back with the endorsement "door locked". The petitioner also says that criminal cases are pending as against the private respondents and, as such, they are either not residing at the house or avoiding service.

The petitioner further says that the petitioner had lodged a complaint with the Officer-in-Charge, Taltala Police Station, being the respondent no.4, as against the some persons. On the basis of such complaint, a First Information Report (in short "FIR") was registered on 6th December, 2020. The police have proceeded on the basis

of the FIR. After the police authorities have initiated the investigation pursuant to the registering of FIR, the private respondents and the family members of the private respondents, at the behest of the FIR named persons, are threatening the petitioner to withdraw the complaint on the basis of which the FIR was registered on 6th December, 2020. The petitioner has brought this fact to the notice of the local police station by making a complaint on 28th January, 2021 and again on 8th February, 2021. The police authorities have not taken any steps against the private respondents in terms of the said two complaints and, as such, threats are meted out by the private respondents and/or their aides.

On behalf of the State respondents, it is submitted that there is no inaction on the part of the police authorities. Immediately after receiving the first complaint from the petitioner, the police authorities have registered an FIR on 6th December, 2020 and have proceeded with the investigation. In fact, one person had been arrested in course of investigation conducted by the police in connection with the FIR dated 6th December, 2020 and a charge-sheet has been filed on 5th March, 2021. The police have received the second and third complaints from the petitioner respectively on 28th January, 2021 and 8th February, 2021 and have also inquired into the matter but no offence as alleged in the said two complaints have been substantiated.

Be that as it may, since the police have registered an FIR on 6th December, 2020 in terms of the complaint made by the petitioner and a charge-sheet has been filed on 5th March, 2021, it is the bounden duty of the police authorities to protect the petitioner from being threatened by anyone with the intent to compel the petitioner to withdraw the FIR. In fact, in the criminal case that may be instituted after filing of the charge sheet in terms of the FIR dated 6th December, 2020, the petitioner may be one of the witnesses. It is also the bounden duty of the police authorities to protect a witness.

In the facts and circumstances as aforesaid, the writ petition is disposed of by directing the respondents no.2, 3 and 4 to ensure that the petitioner is not threatened by anyone, including the private respondents, with the intent to compel the petitioner to withdraw the FIR dated 6th December, 2020.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)