

16.03.2021
Sl. No.15
(PP)

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

WPA 6359 of 2021

Dr. Nairwita Bandyopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Soumen Bhattacharyya,
Mr. Tanmoy Kumar De
.....for the petitioner.

Mr. Sirsanya Bandopadhyay
.....for the State.

Mr. Saibal Acharya,
Mr. Arindam Banerjee
.....for the respondent no.6.

Affidavit of service filed in Court today is taken on record.

The petitioner alleges police inaction in respect of complaint lodged by the petitioner as against the respondent no.6, who is still the husband of the petitioner. The petitioner says that initially an FIR was registered on the basis of complaint made by the petitioner. The police has investigated and filed the charge sheet. After the charge-sheet has been filed, the respondent no.6 is threatening the petitioner to withdraw the complaint on the basis whereof the FIR was registered.

On behalf of the State, it is submitted that there is no inaction on the part of the police as it is an admitted position that investigation was conducted as

against the FIR lodged by the petitioner and charge sheet has already been filed. So far as the subsequent allegations are concerned, the Lake Town Police Station has registered three General Diary Entries but could not proceed with the investigation to a substantial extent as the police authority could not contact the petitioner since she was not available over telephone or at her address.

On behalf of the respondent no.6, the allegations levelled by the petitioner are all denied. It is also submitted that respondent no.6 never threatened the petitioner either for withdrawing the complaint or otherwise for which the petitioner could lodge the FIR.

After hearing the parties and considering the materials on record, it appears that the matrimonial dispute between the petitioner and the respondent no.6 is the pivot of all subsequent acts said to have occurred.

Be that as it may, when the police has received a complaint, the same has to be brought to a logical conclusion after due investigation ending in a final report of termination of the process or by filing of charge-sheet.

Since it is submitted on behalf of the State respondents that the petitioner was unavailable at her residence or could not be contacted over telephone, the petitioner is directed to meet the

Inspector-in-Charge, Lake Town Police Station, being the respondent no.5, on 20th March, 2021 at 11.00 a.m. so that the Investigating Officer can collect necessary information from the petitioner.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

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, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)