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Ct.08

WPA 10542 of 2021

Papi Khatun Bibi @ Popi Khatun vs. State of West Bengal & Ors.

Mr. Kaushik Choudhury

Smt. Bursa Khatun

..For the petitioner.

Mr. Arindam Mitra

Mr. Debashis Sarkar

Mr. Subhabrata Datta

..For the respondent.

Heard learned counsel for the petitioner and learned counsel for the State respondent.

The petitioner has sought for writ in the nature of Mandamus commanding the respondents, their men, agents, servants and each one of them to act strictly in accordance with law as also in strict conformity with the statute and further directing the respondent authorities, particularly, the respondent no. 5 to investigate the case properly and to take steps on the basis of written complaint dated 30.01.2021 lodged by the petitioner before the Patiram Police Station.

The brief facts leading to the writ application is that in the year 2017, the petitioner got married with one Hachen Mondal and after few months of the marriage, the husband of the petitioner had to stay out of station for his job and the petitioner used to reside in her matrimonial house with her son and her father-in-law. On 28.01.2021, the private respondents came to the matrimonial house of the petitioner and raped her against her will. On 29.01.2021, the private

respondent no. 6 compelled her to go with him to Siliguri by showing her the video and picture of the previous night incident. On that very date i.e. 29.01.2021, the father of the petitioner lodged a complaint before the Balurghat Police Station which gave rise to Balurghat Police Station case no. 84 of 2021 dated 29.01.2021 u/s 363 IPC. On 30.01.2021 the officials of the Patiram Police Station recovered the petitioner and on that very day petitioner lodged a complaint before the Patiram P.S disclosing the inhuman activities of the private respondent no. 6 and 7 but no acknowledgement was given by them. In spite of receiving the complaint dated 30.01.2021, the officials of the concerned police station did not take any steps. Finding no other alternative, the petitioner discloses his grievances before the Superintendent of Police, Dakshin Dinajpur by her complaint dated 22.03.2021. Petitioner filed an application under section 156(3) Cr.P.C on 24.03.2021 before the learned CJM, Dakshin Dinajpur at Balurghat which was registered as Misc. Case No. 50 of 2021, and on 24.03.2021, the said application was taken up for hearing and after hearing the petitioner the learned court was pleased to fix the matter on 05.06.2021 with a direction to the officer in charge of the concerned police station to initiate a specific case. But due to pandemic, the courts are functioning in a limited manner. Again the petitioner filed a complaint before the Patiram Police station on 11.05.2021. The petitioner also informed her grievances before the Balurghat Police Station on 11.05.2021 through

speed post categorically disclosing the inhuman activities of private respondent no. 6 and 7 towards her. The petitioner on 11.05.2021 discloses her grievances once again before the Superintendent of Police, Dakshin Dinajpur at Balurghat through speed post. But till date no steps were taken by the police authority. Hence the instant writ petition.

Thus the petitioner complained of police inaction. Vide order dated 18.06.2021, the Co-ordinate Bench of this Hon'ble Court was pleased to direct the police authority to submit report as to the action taken on the complaint dated May 11, 2021.

At this stage, Mr. Choudhury, learned counsel for the petitioner submits that the grievance has been meted out by the respondent authority but such grievance has been meted out only after the writ application was filed by stating a specific police case against the accused persons.

Mr. Dutta, learned counsel for the State respondents submits that on the complaint of the petitioner alleging kidnapping of the petitioner's minor daughter, Balurghat P.S. Case No. 84 of 2021 dated 29.01.2021 u/s. 363 IPC was started, and on completion of usual investigation, charge sheet being CS No. 5 of 2021 dated 28.01.2021 u/s. 363 IPC has been submitted. It is further pointed out that on the basis of the statement of the victim girl that she was subjected to rape by the accused persons, a specific case being Patiram P.S. Case No. 59 of 2021 dated 02.06.2021 u/s. 363/376(2)(g)/34 was started against the

accused persons and now the accused persons have been arrested. The concerned Police Station is holding investigation and statement of the witnesses have been recorded u/s. 161 Cr.P.C and the statement of the victim girl has been recorded u/s. 164 Cr.P.C. Therefore, there is no police inaction on the part of the respondent authority.

It is pointed out by Mr. Dutta, learned advocate for the State respondents that the report is ready with him but it could not be sent because of communication gap and whatever he has submitted is on the basis of the report forwarded by the concerned police officer.

Let it be so recorded.

In the context of the above submission made, the writ application is required to be disposed of.

Thus, the writ application being WPA 10542 of 2021 is disposed of.

(Shivakant Prasad, J.)