

12.08.2021.
Item No. 119.
Court No.13
pk

**W.P.A. No. 11378 of 2021
(Through Video Conference)**

**Smt. Nilima Hazra
Versus
State of West Bengal & Ors.**

Mr. Debasis Kar,
Mr. Husen Mustafi

..for the petitioner.

Mr. Suman Sengupta,
Mr. Sanatan Panja

... for the State.

The writ petitioner complains that the husband of the private respondent no. 8 has assaulted her and her daughter and sisters. It has alleged that the said respondent no. 8 was having illicit relationship with the petitioner's husband, the respondent no. 7 herein. On the basis of the complaint of the petitioner, Belgharia Police Station Case No. 591 of 2020 dated 08.11.2020 was registered under Sections 341/323/325/354/504/506/34 of the Indian Penal Code and a charge sheet has been submitted under Sections 341/323/354/506/34 of the Indian Penal Code on 28th June, 2021 being Charge Sheet No. 354.

It is also submitted by the State the private respondents have filed a complaint against the petitioner and a charge sheet has been submitted under Sections 448/323/506/34 of the Indian Penal Code.

The petitioner complains that her statement has not been recorded under Section 164 of the Cr. P. C. Hence, charge sheet could not have been filed.

The petitioner may agitate her grievance against the charge sheet by filing a Naraji petition under the provisions of the Code of Criminal Procedure.

Insofar as the claim for maintenance and other grievance against the husband, the petitioner shall be entitled to avail remedies under Section 125 of the Code of Criminal Procedure, the provisions of the D. V. Act and any other provisions in accordance with law.

In view of the allegations against the respondent no. 7, who appears to be a member of the police force, the Commissioner of Police, Barrackpore shall take steps in accordance with the service Rules having due regard to the charge sheet mentioned herein above. Regard shall also be had to the petitioner's complaint that the respondent no. 7 was having illicit relationship with the respondent no. 8.

Instructions of the O.C., Belghoria Police Station dated 26th July, 2021 is taken on record.

The petitioner shall serve a copy of this order on the Commissioner of Police, Barrackpore.

With the aforesaid directions, the writ petition is disposed of.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

