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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8577 of 2020

Dewali Modak
Vs.
The State of West Bengal & Ors.

Ms. Snigdha Saha,
Mr. Priyanjit Kundu
... For the petitioner.

Ms. Sima Adhikari,
Ms. Kakali Naskar
... For the State.

Mr. Ramij Munsu
... For the respondents no.10 to 11

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

On the basis of the petitioner's complaint
as against the respondents no. 10 and 11 (private
respondents) a First Information Report (in short,
FIR) was registered on 26th September, 2019. The
police have completed investigation and have filed the
charge sheet in respect of such FIR. The petitioner,
however, had made four further complaints
subsequent to the complaint on the basis whereof the
FIR was registered on 26th September, 2019. The said
four complaints are respectively dated 15th January,
2020, 29th February, 2020, 26th August, 2020 and 5th
October, 2020. The petitioner says that the police
authorities have not taken any steps in terms of the

said four complaints.

The police authorities in view of the provisions of Chapter XII and in particular section 154 to 162 of the Code of Criminal Procedure, 1973 (in short, Cr. P.C.) is required to either register an FIR in case of cognizable offence being disclosed or to enquire into the matter in case of receipt of information as to non-cognizable cases and complete the investigation in a fair and transparent manner. The scope of investigation has also been considered by the Hon'ble Supreme Court in 2014 (2) SCC 1 (Lalita Kumari vs. Government of UP & Ors.)

Admittedly, the petitioner has made four complaints. The concerned police station ought to have acted in terms of the provisions laid down under sections 154 to 162 of the Cr. P.C. There is no satisfactory answer from the State respondents as to the steps taken by the respondents no. 8 and 9 to whom the complaints were addressed to.

In the facts and circumstances as aforesaid, the police authorities are directed to register an FIR in the event the complaints disclose cognizable offence or conduct an inquiry if the complaints do not disclose a cognizable offence and file the charge sheet or the final report as the case may be before the jurisdictional Magistrate within 30th June, 2021. The outer limit is fixed considering

the last of the four complaints is about six months old.

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

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

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

(Arindam Mukherjee, J.)