

13.04.2021.
Item No. 28

W.P.A. 10259 of 2020

Smt. Shyamali Roy
Vs.
The State of West Bengal and others.

Mr. Goutam Dey,
Mr. Dipendu Sarkar,
Ms. Paromita Mukherjee.
... for the petitioner.

Mr. Goutam Dey, learned Advocate, appears on behalf of the petitioner. Despite service there is no representation on behalf of the respondents. The affidavit of service filed in Court today is kept with the record.

The grievance of the petitioner in this writ petition is that she lodged a complaint before the Officer in-Charge, Sarsuna Police Station, on 13th October 2020, which discloses the commission of cognizable offences but the same has not yet been registered. It was the duty of the investigating agency to register a case and investigate into the matter.

In view of the inaction on the part of the police, the petitioner has filed the instant writ petition praying for a direction upon the police to lodge a First Information Report on the basis of her complaint made before the Sarsuna Police Station on 13th October 2020.

No doubt the police are under the obligation to register a case if a complaint discloses any cognizable offence.

The petitioner is not remediless in the event the police refuse to register a First Information Report and start investigation in accordance with law on the

basis of the complaint. The petitioner has her remedy in approaching the jurisdictional Magistrate for redressal of her grievance under Section 156(3) or Section 200 of the Code of Criminal Procedure.

The interference is made by the Writ Court in the cases as and by way of exception only where the life or personal liberty of the petitioner has been grossly violated.

In view of the matter, this writ petition is not entertained. The petitioner will, however, be at liberty to approach the concerned jurisdictional Magistrate for redressal of her grievance.

WPA 10259 of 2020 is disposed of.

There shall, however, be no order as to costs.

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(Kausik Chanda, J.)