

23.09.2021
Sl. No.92
akd

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 45 of 2021 [via video conference]

[Smt. Priya Dutta -Vs- The State of West Bengal & Ors.]

Mr. Sandip Mandal
... .. for the petitioner

Mr. Subir Kumar Saha
Mr. Bikramaditya Ghosh
... .. for the State

The writ petitioner had lodged a complaint with the Bhaktinagar Police Station against her husband and FIR was registered. The investigation resulted into a charge sheet being Bhaktinagar Police Station Case No.985 of 2020 dated 31.12.2020 under Sections 498A/323 of the Indian Penal Code. Even after the said charge sheet it is submitted that on 6th November, 2020, the petitioner lodged a second complaint with the Commissioner of Police, Siliguri Police Commissionerate. She informed that a further complaint against her husband has been refused by the Ashghar outpost of the Bhaktinagar Police Station on 28th October, 2020.

It is submitted that the respondent no.6, who is a police officer, had called the local fire brigade on the pretext of a gas leak in the residence and forcibly entered into the premises and has assaulted her. It is submitted that the fire brigade authorities had subsequently

confirmed that the complaint of the said respondent no.6 namely, Sanjit Dutta was false.

This Court is unable to appreciate as to why the Ashighar outpost of the Bhaktinagar Police Station has not registered FIR to investigate into the petitioner's claim dated 28th October, 2020.

In that view of the matter, the Bhaktinagar Police Station shall forthwith register FIR and commence investigation into the complaint of the petitioner dated 6th November, 2020 addressed to the Commissioner of Police, Siliguri Police Commissionerate.

It is expected that all due procedures under the Code of Criminal Procedure shall be taken and the investigation be completed within a period of 45 days from the date of receipt of a copy of this order.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)