

06.06.2022
Sl. No.70
srm

W.P.A. No. 494 of 2022

Chhabinur Khatun

Versus

The State of West Bengal & Ors.

Mr. Dhananjay Banerjee,
Mr. Jisan Iqbal Hossain

...for the Petitioner.

Mrs. Sipra Majumdar,
Mrs. Prativa Ghatak

...for the State-respondents.

Affidavit of service is taken on record.

The petitioner has alleged police inaction. The allegation is that the Inspector-in-Charge, Karandighi Police Station has not cited the respondent No.5 as an accused despite his name having been mentioned in the statement recorded by the learned Magistrate under Section 164 of the Code of Criminal Procedure. It is further alleged that the said respondents ought to have been arrested by the police authorities. Records reveal that pursuant to the complaint made by the petitioner, an FIR was registered and Karandighi Police Station Case No.523 of 2021 dated October 29, 2021 was initiated under Sections 143/341/323/325/326/307/302/506 of the Indian Penal Code. The accused persons have also been mentioned in the FIR. It is contended by the petitioner that the

name of the respondent No.5 Motahar Hossain was omitted from the FIR intentionally.

Records do not reveal that the investigation has been concluded and has culminated in the filing of either a charge sheet or a final report. The writ court cannot dictate the police authority to implicate a particular person when the investigation is still under progress. Moreover, the remedy of the petitioner under the law would be before the learned jurisdictional Magistrate, at the appropriate stage.

Under such circumstances, the writ petition is dismissed without any order, as the same is premature.

The petitioner will be at liberty to take appropriate steps at the appropriate time, if the occasion so arises.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)