

07.04.2022.
Court No.13
Item No. 18
ap

W.P.A. No. 2256 of 2022

**Priyanka Sarkar nee Majumder
Versus
The State of West Bengal & Ors.**

Mr. Asis Bhattacharyya,
Ms. Anamika Chakraborty.

...For the petitioner.

Mr. Subhabrata Datta,
Mr. Debasish Sarkar.

...For the State.

Mr. Apalak Basu,
Ms. Pritha Bhounick.

...For the respondent nos.4 & 5.

Affidavit-of-service filed in Court today be taken
on record.

Counsel for the petitioner submits that investigation into FIR No. 6 of 2022 dated 21.01.2022 by the Survey Park Police Station is not proceeding in accordance with law. It is further submitted that the Investigating Officer of the case has not taken into consideration the allegation of forced abortion by the private respondent/husband. It is also submitted that documents have been produced by the writ petitioner, and it is argued that there is evidence of forced abortion therein.

Counsel for the husband, however, submits that the allegation of forced abortion is completely baseless, and is contradicted by the documents annexed to the writ petition itself.

This Court is of the view that this matter is within the purview of the Investigating Officer of the case.

In those circumstances, the Investigating Officer of the case, in respect of the subject FIR, shall consider the writ petition itself and conduct investigation. In the event the Investigating Officer of the case is satisfied that there is additional material to invoke any other Section, he may do so.

Needless to say, that a thorough investigation must be conducted before including any new Sections are added in the final report.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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.)