

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5042 of 2022

Montu Kumar Roy
Vs.
The Union of India & Ors.

Mr. Syed Arif Ahmed
... For the petitioner

Mr. P. Bajpayee
... For the respondents no.1 to 4

The petitioner says that his daughter had a love affair with the private respondent no.7, who is serving the Border Security Force (in short “BSF”) and is presently posted at Haryana. The private respondent no.7, according to the petitioner, had physical relation with his daughter for a long period but after getting job in BSF the private respondent no.7 rejected the petitioner’s daughter and decided to marry another girl, namely, Sangita Mondal. The petitioner’s daughter, according to the petitioner, due to such reason, committed suicide on 11th February, 2022. The petitioner has lodged an FIR before the local police station, being Gangnapur Police Station, District – Nadia. The petitioner says that the private respondent no.7 is an FIR-named person. On the basis of the said FIR, Gangnapur Police Station Case No.43 of 2022 dated 12th February, 2022 under Sections 306/417/36/34 of the Indian Penal Code, 1860 has been initiated. The petitioner says that narrating this incident the petitioner has made a complaint to the BSF authorities for taking steps against

the petitioner. The BSF authorities, according to the petitioner, have not taken any steps and, as such, this writ petition has been filed, inter alia, directing the respondents no.2 to 4 (officers of BSF) to take steps against the respondent no.7, including terminating his service in accordance with law.

An employer is free to decide as to whether it will proceed against an employee who is implicated in a criminal case. The choice is left to the employer and is also not dependent on the nature and stage of a criminal case that may have been initiated against employee concerned. The petitioner cannot, therefor, have any grievance against BSF authorities for not initiating any proceedings as against the petitioner. The criminal case is also at the nascent stage and, as such, the charges levelled against the private respondent no.7 are yet to be proved.

In the aforesaid facts and circumstances, I find no merit in the writ petition. The same is accordingly dismissed.

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

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

(Arindam Mukherjee, J.)