

9     04.05.2022

gd/ssd

FMA/561/2022

IA NO: CAN/1/2022

SUMANTA SARKAR  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Rupayan Deb,  
Ms. Priya Nandy  
..for the Appellant

Ms. Chaitali Bhattacharyya  
..for the State

This appeal is at the instance of the writ petitioner aggrieved with the order of the learned Single Judge dated 14<sup>th</sup> March, 2022 whereby WPA 4143 of 2022 has been disposed of with certain observations.

The appellant had approached the writ court with the grievance that though no FIR is registered against the appellant, the police authorities are everyday enquiring about the whereabouts of the appellant by sending civic volunteers. Further allegation has been made that on this pretext the family members of the appellant including his mother are being harassed.

Learned Single Judge has disposed of the petition by taking note of the fact that a complaint was received from one Smt. Subhra Chakraborty alleging that the

appellant was harassing her and therefore, the police personnel went to question the appellant in the course of enquiry in connection with the said GD.

Undisputedly, the FIR has not been registered so far. Learned counsel for the appellant has drawn the attention of this Court to the police report dated 14<sup>th</sup> March, 2022, which was placed before the court below, mentioning that the informant did not want to take any legal action and did not want to face any legal proceedings before any court of law due to her local prestige and unholiness in the society.

Submission of learned counsel for the appellant is that inspite of the above fact situation, the appellant has not been saved from harassment.

Learned counsel for the State has submitted that a complaint was made by the concerned lady making some allegations against the appellant and seeking protection but she was conveyed that unless she registers an FIR, no protection can be extended and that so far no FIR has been registered. She has further submitted that the police authorities will not harass the appellant unless an FIR is registered.

The above statement of the learned counsel for the State adequately redresses the grievance of the appellant.

Hence, we dispose of the present appeal taking on

record the stand of the counsel for the State.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)