

July 22, 2022
Sl. No. A 159
Court No.19
s.biswas

WPA 12460 of 2022
Smt. Chaitali Dutta
vs.
The State of West Bengal and others

Mr. Mani Sankar Chattopadhyay,
Ms. Munmun Biswas, Advocates

... for the petitioner

Mr. Wasim Ahmed,
Mr. Sk. Md. Masud, Advocates

... for the State

The petitioner alleges that although a complaint had been filed before the Officer-in-Charge, Haridevpur Police Station against illegal activities, physical torture and claim for dowry against her husband Prosenjit Dhali, the police authority registered Haridevpur P.S. Case No.160 dated 14th June, 2022 under Sections 498A/406/380 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act against the father-in-law Joydev Dhali on misconception that Joydev Dhali was the husband.

According to the petitioner, even though the FIR had been registered, the same is yet to yield any fruitful result. The investigation against the husband/alleged offender had not been initiated. Hence, this Court has been approached for necessary orders for registration of the case against the husband, one Prosenjit Dhali.

The police report is taken on record.

It appears that after the registration of the case, when the original copy of the FIR was being forwarded to the learned ACJM, Alipore, the mistake was detected. It was found that the accused was mistakenly named as

Joydev Dhali instead of Prosenjit Dhali. The mistake was inadvertent and bona fide. The formal FIR was corrected by striking out the name of Joydev Dhali and by incorporating the name of Prosenjit Dhali as the accused/husband.

In such circumstances, as the FIR has been corrected and Prosenjit Dhali (husband) has been shown as accused and the corrected formal FIR had also been forwarded to the learned ACJM, Alipore, nothing further remains to be decided in the writ petition. The investigation shall be completed in a free, fair and impartial manner, against Prosenjit Dhali. This order shall not be construed as an observation on the culpability of the husband. The investigation will be conducted in order to unravel the truth.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All the parties shall act on the server copy of this order.

(Shampa Sarkar, J.)