

22.07.2022
Sl.No.161(ML)
srm

W.P.A. No. 12536 of 2022

Afsara Aslam

Versus

The State of West Bengal & Ors.

Mr. Wasim Reza

... for the Petitioner.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.5 to 7. Affidavit-of-service is taken on record.

There is a complaint and counter-complaint. Both the cases are being investigated.

The petitioner submits that the Officer-in-Charge, Howrah Police Station, is not conducting the investigation with regard to the Howrah Police Station Case No.302 of 2022 under Sections 451/323/324/354/506/34 of the Indian Penal Code, in a proper manner. The allegation is that the respondent Nos.5 and 6 and other family members threatened to murder the petitioner and her sister and caused physical injury. It is further alleged that the petitioner and her sister are under continuous threat, but the police authorities have not taken any steps in order to

ensure their safety and security. According to the petitioner, no steps have also been taken, to apprehend the accused persons.

The police authorities have filed a report, according to which, it appears that on the basis of the complaint of the petitioner, an FIR was registered. Statements of available witnesses under Section 161 of the Code of Criminal Procedure had been recorded. The police authorities also wanted to produce the petitioner before the learned jurisdictional Magistrate for recording her statements under Section 164 of the Code of Criminal Procedure, but the petitioner did not appear before the learned Magistrate on the assigned date as she was unwell. It further appears that on the basis of the complaint of one of the respondents, Howrah Police Station Case No.232 of 2022 dated May 10, 2022 under Sections 341/323/325/379/506/34 of the Indian Penal Code, had been registered against the petitioner.

Be that as it may, this Court is of the view that Howrah Police Station Case No.302 of 2022 must be completed in a free, fair and independent manner. The petitioner's statements under Section 164 of the Code of Criminal Procedure shall be recorded. The petitioner will cooperate with the investigation. If the petitioner

approaches the police authorities with further allegation of threat, the police authorities shall act and proceed in accordance with law. A vigil shall be maintained by the police authorities in order to ensure that the petitioner and her sister are not harmed in any way.

The writ petition is, thus, disposed of.

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.)