

26.07.2022
Sl. No.177(ML)
srm

W.P.A. No. 12949 of 2022

Nur Islam @ Noor Islam

Versus

The State of West Bengal & Ors.

Mr. Ali Ahsan Alamgir,
Mr. Pradip Mukherjee,
Mr. Omer Faruk Gazi,
Ms. Riya Das,
Ms. Rabia Khatoun

...for the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.6 to 15. Affidavit-of-service is taken on record.

The petitioner alleges that the Inspector-in-Charge, Murshidabad Police Station, had failed and neglected to protect the life and property of the petitioner. It is the specific contention of the petitioner that the petitioner had to lock his shop and leave his residence in fear of being killed by persons in the locality and his in laws.

The police report is taken on record. It appears that on February 28, 2022, the petitioner lodged a complaint before the concerned police station that some unknown miscreants

had committed theft of jewellery and money from the petitioner's residence. On the basis of such complaint, Murshidabad Police Station Case No.94 of 2022 dated February 28, 2022, under Section 380 of the Indian Penal Code, had been registered. The petitioner was asked to produce necessary evidence with regard to the factum of possession of the stolen articles from the house. The petitioner could not satisfy the investigating officer in this regard. It also appears that the house was under lock and key, as none were residing there. The petitioner did not lodge any complaint with regard to threat by the respondent Nos.6 to 15 at the relevant point of time. He also did not indicate that he had any intention to open the locks of the house and the shop.

On March 21, 2022, a written complaint was lodged by Rahema Bibi, mother-in-law of the petitioner, alleging that the petitioner had tortured his wife. On the basis of such complaint, Murshidabad Police Station Case No.146 of 2022 dated March 21, 2022, under Sections 341/325/326 of the Indian Penal Code was registered against the petitioner. The investigation resulted in filing of a charge sheet *vide* Charge Sheet No.119 of 2022 dated March 30, 2022, under Sections 341/323/325 of the Indian Penal Code. On the basis of the complaint of the petitioner dated July 19, 2022, Murshidabad

PS GDE No.1134 dated July 19, 2022 was registered and prosecution under Sections 107 and 116 of the Code of Criminal Procedure was submitted against the petitioner's wife, Sirina Bibi, and another.

Under such circumstances, this Court directs that the investigation, which has been initiated on the basis of the complaint of the petitioner, must be concluded in a free and fair manner. If the petitioner wishes to go back to his residence and to open shop, he is at liberty to do so, subject to any other orders that may have been passed by an appropriate forum. If the petitioner approaches with further allegation of threat or intimidation, the police authorities shall act and proceed in accordance with law.

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.)