

16.08.2022
Court No. 19
Item 420 (ML)
CP

WPA No. 14257 of 2021

Krishna Kumar Goenka
Vs.
The State of West Bengal & ors.

Mr. Supratim Dhar
Mr. Kunal Ganguly
Mr. Tirupati Mukherjee

...for the petitioner.

Mr. Ambar Nath Banerji
Ms. Amrita Panja Moulick

....for the State.

The petitioner alleges inaction on the part of the Superintendent of Police, Birbhum in disposing of the representation of the petitioner. It is contended that on August 24, 2021, the petitioner approached the concerned authority with a prayer for immediate action against the respondent no. 8 who continued to send seductive messages via WhatsApp to the petitioner.

The police report is taken on record.

The trial is pending after the complaint filed by the respondent no. 8 ended with the filing of a charge-sheet against the petitioner, on allegations of threat, intimidation etc.

Dubrajpur Police Station Case NO. 212/19 dated August 28, 2019 under Section 506 of the Indian Penal Code had been registered against the

respondent no. 8 which ended with the filing of a final report vide Dubrajpur Police Station NCR NO. 977/19 dated September 30, 2019 under Section 506 of the Indian Penal Code against the respondent no. 8.

It is alleged that thereafter the respondent no. 8 repeatedly harassed the petitioner and his family members and also visited the petrol pump in order to create further nuisance and harassment to the petitioner and his brother. It also appears that an enquiry with regard to the complaint of the petitioner's brother is also pending.

Under such circumstances, this court is of the view that justice would be subserved if the Superintendent of Police, Suri, Birbhum is directed to dispose of the representation of the petitioner dated August 24, 2021, in accordance with law. The petitioner shall be given a hearing. All the relevant questions which have been raised by the petitioner shall be looked into, including the messages sent via whatsapp and face book after the investigation into the complaint of the respondent No. 8 had been completed.

This order shall not have any effect on the ongoing trial arising out of Dubrajpur Police Station Case NO. 131/19 which was registered on the

compliant of the respondent no. 8 and had resulted in the filing of a charge-sheet.

The ongoing enquiry with regard to the complaint of Rajesh Kumar Goyenka shall continue.

It also appears that Illambazar Police Station has submitted a prosecution under Section 107/116(c) of the Cr.P.C. against the respondent no. 8.

The allegation of continuous harassment via WhatsApp messages and through other digital portals shall also be looked into.

The observations in this order, shall not be construed as an acceptance of the allegations against the respondent no. 8. These observations shall not prejudice any other proceeding. The Superintendent of Police shall decide the entire issue independently. A reasoned order shall be passed and intimated to the petitioner.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)