

22.07.2022
Court No. 19
Item no.05
CP

W.P.A. No. 14818 of 2022

Dr. Partha Pratim Sarkar
Vs.
The State of West Bengal & ors.

Mr. Allen Felix
....for the petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay
...for the State.

Mr. Santanu Maji
Ms. Trisha Rakshit
....for the respondent no. 8.

The petitioner submits that the proceedings which have been initiated on the basis of a compliant filed by the respondent no. 9 against the petitioner and four others, should be quashed. It is the contention of the petitioner that being an Assistant Professor of the University of Technology under the University of Burdwan, the petitioner is a public servant and, as such, the investigation against the petitioner vide Burdwan PS Case No. 701/22, dated July 1, 2022, under Sections 341/323/325/427/504/34 of the Indian Penal Code should be quashed, as no sanction had been taken.

It appears that there is another case against some staff of the university on the complaint of the

petitioner, which is also under investigation. The complaint of the petitioner has been registered as an FIR vide Burdwan PS Case No. 699/22 dated June 30, 2022, under Sections 341/323/325/504/506/34 of the Indian Penal Code.

The police report indicates that the investigation with regard to both the cases are continuing. The accused persons in the case registered on the basis of the complaint of the petitioner, surrendered before the learned jurisdictional magistrate. They were released on bail. The police report is taken on record.

The court does not find any strength in the argument of the petitioner and does not deem it fit to quash the proceedings which have been initiated. The investigation is continuing. The contention of the petitioner that sanction for prosecution had not been taken and thus, the investigation must be quashed is misconceived. The investigation is at its initial stage. This is not a case that the court has taken cognizance without the sanction. In any event, all such issues can be raised at the appropriate stage, before the appropriate court.

The remedy of the petitioner under Section 482 of the Code of Criminal Procedure is also available at the appropriate stage.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)