

26.8.2022
Sl.No.203
sn

WPA 15433 of 2022

**Swapan Paul Chowdhury @ Swapan Pal Chowdhury
Vs.
The State of West Bengal & Ors.**

**Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal
..for the petitioner
Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh
..for the State**

The petitioner wants a blanket restrain order upon the police authorities from registering any further complaint that may be lodged by the respondent no.9

It is submitted that the respondent no.9 has lodged several complaints against the petitioner on various allegations before different police stations. It also appears from the record that proceedings under the Domestic Violence Act is pending.

Ranaghat Police Station Case No. 238 of 2022 dated April 11, 2022 under Sections 448/323/325/506/379/376/511/24 of the Indian Penal Code, was registered against the petitioner and his family members, on the order of the learned Additional Chief Judicial Magistrate, Ranaghat Court.

Another case being Ranaghat Police Station Case No. 364 of 2022 dated May 25, 2022 under

Section 195A of the Indian Penal Code was registered.

After completion of the investigations, charge sheets have been filed.

Thereafter, on the complaint of the respondent no.9, Ranaghat Police Station Case No. 444 of 2022 dated June 22, 2022 under Sections 448/323/325/354(B) & (D)/506/ 195A/34 of the Indian Penal Code was registered and the investigating officer made a prayer before the learned jurisdictional Magistrate for adding Sections 376/511 of the Indian Penal Code read with Section 12 of POCSO Act. There are allegations of molestation of the minor sister of the respondent no.9. During investigation, statements of the minor sister and the respondent no.9 were recorded before the learned Magistrate under Section 164 of the Code of Criminal Procedure.

Two FIRs which were registered on the basis of the complaint filed by the respondent no.9 had ended with the filing of the charge sheet. The investigation of the third one, is in progress. The investigating officer has prayed before the learned Court for incorporating Section 376 and 511 of the Indian Penal Code and Section 12 of the POCSO Act. A money suit is also pending. Proceedings under the

Protection of Women from Domestic Violence Act, is also pending.

Under such circumstances, this Court is of the view that on the basis of the facts as stated hereinabove, the Writ Court cannot pass any the orders as prayed for. It is within the domain of the investigating agency whether to take steps under the provisions of Section 154 of the Code of Criminal Procedure, upon receipt of the complaints.

The police authorities shall act and proceed strictly in accordance with law.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)