

2 26.07.2022

PA(SS)

WPA(P) 322 of 2022
Nazia Elahi Khan
Vs.
The State of West Bengal and Others
(Through Video Conference)

Mr. Tanmay Basu,
Mr. Ranajay Chatterjee,
Mr. Subhadip Pramanik, Advocates
... for the petitioner
Mr. S. N. Mookherjee, Advocate General
Mr. Anirban Ray, Government Pleader
Mr. Amitesh Banerjee, Senior Standing Counsel
Md. T. M. Siddiqui,
Ms. Ipsita Banerjee,
Mr. D. Saha, Advocates
... for the State
Mr. Shounack Mitra,
Mr. Niladri Bhattacharjee,
Mr. Soham Bandopadhyay,
Mr. Aditya Chaturvedi,
Ms. Angana Dutta, Advocates
... for the respondent No. 4

In this public interest petition the petitioner has prayed for a direction to the respondent Nos. 2 and 3 i.e. Director General and Inspector General of Police and the Commissioner of Police to initiate process against the respondent No. 4 in terms of the provisions of Cr.P.C. and to arrest her.

The plea raised in the petition is that an

objectionable poster of a performance documentary film named “KAALI” was published and that the respondent No. 4 on 5th of July, 2022 in a conclave organized by India Today had made inappropriate comments in respect of Goddess Kali which according to the petitioner is hurtful to the emotion of the people worshipping Goddess Kali. Hence, the plea of the petitioner is that an offence under Section 295A of the IPC is made out.

Learned Advocate General as also the Counsel for the respondent No. 4 have opposed the petition by submitting that offence under Section 295A is not made out and that the complaints at four police stations in Bhopal, Jabalpur, Delhi etc. have already been registered and that no complaint has been filed by any police station in West Bengal.

Having heard the learned Counsel for the petitioner and on perusal of the record, it is noticed that though the petitioner is seeking a direction to the police authorities to take action against the respondent No. 4 in terms of the provisions of the Cr.P.C. and to arrest her but no material has been placed on record by the petitioner to show that any such complaint has been made by the petitioner or any other person to the police authorities in the State of West Bengal for taking action against respondent No. 4 for commission of the alleged offence.

In the absence of any action initiating the process in terms of provisions of the Cr.P.C., the present writ petition cannot be entertained. Hence, the direction which has been prayed for in the writ petition cannot be granted, therefore, the petition is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)