

09.11.2022.
Court No.13
Item No. 6
pk

W.P.A. No. 21304 of 2019
Saphiul Sekh
Versus
State of West Bengal and others

Mr. Purnasish Gupta,
Mr. J. K. Mukhopadhyay
Ms. Marry Datta

...For the petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan.

...For the State.

The Inspector-in-Charge, Tamluk Police Station has filed a report in the form of instructions to the State advocate dated 8th April, 2022 and the same is taken on record.

It appears that Kolaghat P. S. Case No. 288 of 2019 dated 25.07.2019 under Sections 363/366 of the IPC was registered against the petitioner. The allegation is that the petitioner has abducted a 15 years old girl, who is the daughter of the private respondent. Investigation into the said FIR has been completed. Charge Sheet in this case being C. S No. 428 of 2019 dated 30.11.2019 has been filed. The petitioner claims that he is on bail.

The petitioner, on 21.11.2019, filed a complaint that was registered by Tamluk Police Station as FIR No. 708 of 2019 dated 21.11.2019 under Sections 341/323/325/379/34 of the IPC against the private

respondents. The petitioner's allegation is that after the victim girl recorded a statement under Section 164 of the Cr. P. C. before the Magistrate and while coming out of the Court of the Magistrate, she was forcibly taken away from the petitioner. The said case was investigated by Tamluk Police Station and a report of mistake of fact was filed vide Tamluk P. S. FR No. 365 of 2020 dated 23.07.2020.

In view of the above, no relief can be granted to the petitioner in the instant proceedings.

The petitioner may avail any remedies as may be available under the Cr. P. C. against the FIR.

Tamluk Police Station shall make available a copy of the aforesaid FIR number to the petitioner.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)