

WPA 27108 of 2022

Paramita Parui
Vs.
State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Supreem Naskar
Mr. Rakesh Jana
.....for the petitioner

Mr. Bhaskar Nandi
....for the respondent Nos. 5, 6 & 7

Md. Galib
Mr. Anubrata Santra
.....for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to engage an efficient and competent investigating officer for the investigation of the case in question and to expedite the investigation.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had filed a case against her father and others under Section 323, 341, 379, 427, 506 read with Section 114 of the Penal Code. Although two other ladies were mentioned in the First Information Report, in the charge sheet they were not shown as accused. This prompted the petitioner to file a Naraji petition before

the learned Magistrate who was pleased to allow the prayer. As per direction, the investigating officer was also changed. After this on 20th October, 2022 the investigating officer of the case asked the de facto complainant to come to the police station. She was surprised to find her father there. The Officer-in-Charge of the local police station was present there and he requested the de facto complainant to withdraw the case against her father. The petitioner objected this and came back. Undue pressure is being applied on the petitioner in order to scuttle the case. Proper investigation is not done even by the second investigating officer. In the interest of justice, another investigating officer should be appointed and the respondent authorities may be directed to expedite the proceeding.

Learned counsel appearing on behalf of the State relies on the police report and submits as follows. During further investigation the second investigating officer examined fresh witnesses and recorded their statements. He examined the three other persons whom the de facto complainant said that they were also involved. In fact, one of such three persons applied for anticipatory bail before the learned Sessions Court and obtained the same. Further investigation is going on at the present. Once the

parties had purportedly recorded a settlement. The father of the petitioner sent a letter to the investigating officer requesting if the matter could be settled between the father and the daughter as the same was otherwise a family dispute. There was no coercion or undue influence applied on the petitioner. Only a request was made as would be evident even from the version given by the petitioner herself. In fact, she wanted to see the medical documents of Rekha Sen, who was the mother of the other accused Satyajit Sen.

Learned counsel appearing on behalf of the private respondents submits that it is a dispute between the petitioner and her mother one side and the petitioner's father on the other. Apparently the petitioner resides along with her mother in the joint property owned by the petitioner's parents. The flat in question where the petitioner want to enter is one which belonged exclusively to the petitioner's father and possibly the father is resisting the same. The present respondents have nothing to do with the dispute between the father and daughter.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed on behalf of the State.

It appears that the petitioner has started a case against her father and other accused. The same is going on pursuant to a protest petition filed by her. The learned trial court changed the investigating officer once.

Even from the version of the petitioner about the incident that happened in the chamber of the Officer-in-Charge of the police station, it does not appear that a coercion or undue influence was exercised. In fact the petitioner purportedly objected to the same, questioned the illness of another accused and wanted to see her medical papers. She was free to end the conversation and leave.

However, it is expected that the investigating agency or its officers would not indulge in any such exercise anymore trying to “settle” the matter between parties. Their duty is to conduct the investigation and they should confine themselves to the same.

Let the investigation be done in accordance with law.

I do not find any reason to interfere with the process of investigation.

With the above directions, the writ petition is disposed of.

Urgent Photostat certified copies of this order may be delivered to the learned advocates for the

parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)