

28.11.2022
Court No.2
Item No.14
Cp

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

WPA 2879 of 2022

**Sagarika Adhikary Sen
Vs.
The State of West Bengal and Ors.**

Mr. Satyam Sarkar
Mr. Kunal Bhattacharya

... For the Petitioner.

Mr. Subir Kr. Saha
Ms. Bedashruti Bose

... For the State.

The petitioner is the wife of an accused against whom an investigation is pending. She prays that the police authority be directed to register a First Information Report against the de facto complainant of the said criminal investigation. She urges that the de facto complainant was equally guilty for offering bribe to her husband.

It appears that the petitioner's husband had taken money from various aspiring candidates with the promise to give them jobs. The de facto complainant approached the police authorities. The petitioner prays that the person who had paid the bribe should also be investigated against for commission of a similar crime.

Learned advocate for the police authorities have filed a report. The same is taken on record. It

appears that one Amzad Hossain Sarkar had filed a complaint against the petitioner's husband alleging that her husband being a school teacher had cheated and defrauded him by taking money with a promise to get him a job as a primary teacher. Accordingly, Haldibari Police Station Case No. 248/2022 dated September 3, 2022 was registered under Sections 417/420/506/406/409 of the Indian Penal Code.

The investigation is in progress. Statements under Section 161 of the Cr.P.C. have been recorded. It transpired that other persons like the de facto complainant were similarly cheated. The investigation is progressing. Statements of witnesses have been obtained. Seizures have been made.

Under such circumstances, the writ petition is disposed of without any orders. The wife of an accused cannot dictate what procedure must be followed or what steps must be taken by an investigating agency. Whether the de facto complainant had committed any cognizable offence or not, cannot be ascertained from the tenor of the petitioner's complaint.

It is always open to the police authorities to proceed against any person who they believe to

have been accomplices in the alleged crime. The investigation is yet to be concluded.

The petitioner's husband can also approach the learned court below for appropriate orders at different stages of the proceeding.

This order shall neither prejudice the investigation nor any proceeding before the learned criminal court.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)