

28.03.2023
Court No.13
Item No.11
pk

WPA 4787 of 2023

Mrs. Sanjukta Samanta (Dutta)
Vs.
The State of West Bengal and Ors.

Mrs. Sanjukta Samanta (Dutta)
... petitioner-in-person.

Mr. Suddhadev Adak
... For the State.

Mr. Siddhartha Banerjee,
Mr. Sital Chakraborty,
Ms. Jyoti Rauth
... For the respondent nos. 11 to 16.

The writ petitioner is aggrieved by investigation into FIR being Special Attention Case No. 123 of 2021 dated 04.12.2021 registered pursuant to directions of the CJM, Howrah under Section 156(3) of the Cr. P. C.

The principal accused are the in-laws and other relatives of the in-laws of the writ petitioner. The writ petitioner has prayed for effective and expeditious investigation into the subject FIR. It is stated that investigation must be held by an impartial agency and/or SIT and must be removed from the purview of the Domjur Police Station.

It appears that there is a long standing dispute between the petitioner and the private respondents arising out of the marriage of the petitioner with the son of the respondent nos. 11 and 12.

The petitioner has approached this Court earlier in several rounds of proceedings. The petitioner has also

obtained an anticipatory bail from this Court where a Division Bench of this Court restrained the petitioner from committing offences against her in-laws in future.

Earlier writ petitions being WPA 7382 of 2020 and WPA 7386 of 2020 have been dismissed by a Single Judge. Such dismissal was upheld all the way to the Hon'ble Supreme Court. Liberty was reserved to the petitioner to take out other proceedings.

In the instant case, the principal accused are the in-laws. There are also some allegations against some police officials.

It appears from the report of the police that the investigation has been completed. A final report that the allegations are false being No. 198 of 2022 dated 04.03.2022 has been filed before the Jurisdictional Magistrate.

This Court is of the view that the petitioner may approach the concerned Magistrate before whom the final report has been filed, with an appropriate application under Section 156(3) of the Cr. P. C. or avail any other remedies under the statute.

Since the final report is pending consideration before the Magistrate, this Court is not inclined to consider transfer of the investigation to a third agency at this juncture.

The writ petition is, therefore, disposed of with the aforesaid observations.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)