

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Present:

The Hon'ble Justice Jay Sengupta

WPA 15692 of 2023

Pinki Halder

-vs-

The State of West Bengal & Ors.

For the Petitioner : Mr. Rajdeep Mazumder
Mr. Pritam Roy
Mr. Sowel Bhattacharya

For the State : Mr. Anirban Ray, Ld. GP
Mr. Asim Kr. Ganguly
Mr. Tarak Karan

Heard on : 04.07.2023

Judgment on : 04.07.2023

Jay Sengupta, J.:

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to register an FIR on the complaint lodged by the petitioner and to ensure the safety and security

of the writ petitioner by providing armed security guards in appropriate number.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a candidate for the Zilla Parishad from Diamond Harbour in the ensuing Panchayat Elections. On 25.06.2023, at around 8.30, when she was pursuing her household chores, some local anti-socials belonging to the ruling party broke into the house and threatened her. She was abducted, taken to another place, threatened with dire consequences and asked to campaign for the ruling party. She had no option, but to follow their dictat. She was coerced to make false statements before the media. Then, she was confined in her own house. She somehow extricated herself from the clutches of the miscreants and fled away in the night of 27.06.2023. She lodged a complaint with the Officer-in-Charge, Parulia Coastal Police Station by email as well as by registered post. But, no action has been taken on that.

Learned counsel representing the State submits as follows. After information was received by the police authorities, preliminary enquiry was started. Statements of witnesses are being recorded. It has not been pleaded in the petition that the petitioner wants to campaign in the Elections with the help of any security to be provided by the State.

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

It appears that the complaint lodged by the petitioner makes out a cognizable case. Therefore, there is no option for undertaking in preliminary enquiry before registering an FIR. The police ought to have registered FIR forthwith and thereafter, went on to record statements of witnesses. Reliance is placed on ***Lalita Kumari versus Government of Uttar Pradesh & Ors.*** (2014) 2 SCC 1.

So far as the prayer for protection of the petitioner is concerned, the same can very well be decided even without venturing to make a positive finding as to the exact sequence of events as alleged by the petitioner. The petitioner has made out a prima facie case for availing of police protection in the facts and circumstances of the instant case, especially in view of the serious allegations leveled by her and the ensuing Elections.

In view of the above and in the interest of justice, this Court is inclined to pass the following directions -

- (i) The police shall forthwith comply with the directions passed by the Hon'ble Apex Court in ***Lalita Kumari (supra)*** and in the present exigent circumstances, immediately register an FIR on the petitioner's complaint dated 27.06.2023.
- (ii) The police authorities shall ensure the safety and security of the petitioner and for such purpose, depute an armed police constable at least for a month from this date.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

8/Ct.14
NB