

27.07.2023
Item No. 23
BR

WPA 15773 of 2023

Champa Adhikari
-VS
State of West Bengal & Ors.

Mr. Arunava Ganguly
.... For the petitioner

Mr. Amitesh Banerjee,
Mr. Suddhadeb Adak
... for the State

This is an application under Article 226 of the Constitution of India thereby praying for direction upon the respondent authorities , especially the respondent nos. 2 and 3 to look into the matter and investigate into the alleged offences.

It appears from the affidavit of service that earlier notice could be served on the private respondents. However, they are unrepresented.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner lodged a

complaint against the private respondents that the private respondents had assaulted her and also her father and other family members with the deadly weapons. No action was taken on such complaint. However, during pendency of the earlier writ petition being No. WPA 12275 of 2023 it was intimated to the petitioner that an FIR being Haripal Police Station Case No. 215 dated 21.5.2023 had already been registered. By an order dated 22.5.2023 passed in the said case direction was given upon the police authority to see that no breach of peace takes place at the locale. In violation of this, the private respondents again came and assaulted the present petitioner. The petitioner sought to file a complaint before the police in this regard, but no step was taken.

Learned senior standing counsel representing for the State submits that a specific FIR has already been lodged in this regard being Haripal Police Station Case No. 311 dated 22.7.2023 under Sections 448/323/195A/506/509 read with Section 34 of the Indian Penal Code . The case is being investigated. However, the

present petitioner is not co-operating with the investigation of the case .

I have heard learned counsels for the parties and have perused the writ petition and also the report filed by the State.

It appears that police have already taken steps and an FIR has been registered, inter alia, under Section 195A of the Penal Code.

Let the petitioner cooperate with the investigation of the case.

Let the investigation be expedited and be concluded as expeditiously as possible in accordance with law.

In the meantime the respondent police authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Jay Sengupta, J.)

