

28 27.07.2023
NB Ct. 14

WPA 16255 of 2023

Najima Khatun
Vs.
The State of West Bengal & Ors.

Mr. Sayantan Adhya
...for the petitioner.

Mr. Amal Kr. Sen Id. AGP,
Ms. Sahina Sumi.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent no.5 to provide police protection to the petitioner and her children during investigation of the matter and to lodge appropriate complaints against the private respondents.

A further 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 lodged an FIR being Harischandrapur PS Case No.347 of 2023 dated 20.04.2023 under Sections 302 and 120B of the Penal Code against the certain named accused. Thereafter, those accused had been threatening and intimidating the petitioner and her three minor sons. There were even incidents of stone pelting at the petitioner's premises and on one occasion at the night some unknown miscreants knocked the door of the petitioner and went away.

Learned Additional Government Pleader representing the State relies on the report and submits as follows. Pursuant to the written complaint made by the petitioner on 15.06.2023, first a GD Entry was lodged. Thereafter, a prayer was made before the learned Magistrate for an order causing enquiry. On the prayer being allowed, enquiry was conducted and Harishchandrapur PS Non FIR PR No.1012 dated 15.07.2023 was filed under Section 506 of the Penal Code. In respect of subsequent complaint dated 22.07.2023 lodged by the petitioner, a specific FIR was lodged being Harishchandrapur Police Station Case No.742 dated 22.07.2023 under Sections 195(A) and 34 of the Penal Code. One of the FIR named accused has already been arrested in this case and in the parent case a charge sheet has already been submitted being Harishchandrapur Charge Sheet No.547 dated 12.06.2023 under Sections 302 and 120B of the Penal Code against all the three FIR named accused.

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 by the State.

It appears that in the murder case initiated by the petitioner a charge sheet has already been submitted. Therefore, it takes care of the prayer of the petitioner to grant police protection till investigation of the case is complete.

It further appears that the police had taken steps in respect of the complaints made by the petitioner and Non FIR PR case was filed under Section 506 of the Penal Code.

Thereafter, an FIR under Sections 195A and 34 of the Penal Code was registered.

Therefore, it must be stated that the police had taken steps on the complaints made by the petitioner.

The police authorities have also complied with the order providing security to the petitioner and the family members till date. However, this kind of security arrangement cannot continue further especially considering the fact that the investigation of the case is already over.

In view of the above, no further order need be passed in this regard.

However, the respondent police authorities shall maintain strict vigil at the locale and ensure that no harm is done to the petitioner and her minor children at their residence.

If further atrocities are done on the petitioner, the petitioner shall be at liberty to contact the police station directly on mobile phone number to be provided by the police authorities to her within two days 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.)