

34 20.07.2023
NB Ct. 14

WPA 16656 of 2023

Ankita Agarwal
Vs.
The State of West Bengal & Ors.

Mr. Shahnawaz Alam.
...for the petitioner.

Mr. Jayanta Samanta,
Mr. Vinay Kr. Purohit.
....for the State.

Mr. Mrityunjoy Chatterjee,
Ms. Debapriya Majumder.
...for the respondent nos.7, 8 & 9.

This is an application under Article 226 of the Constitution of India, inter alia, praying for a direction upon the respondent authorities to further investigate the allegations in terms of Section 173(8) of the Code.

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 the wife of the private respondent no.8 and the daughter in law of the private respondent no.9. She lodged an FIR being Phoolbagan Police Station Case No.97 of 2022 dated 29.05.2022 under Sections 498A, 406, 354C, 354D and 308 read with Section 34 of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. Investigation was not done properly in this regard. Charge sheet was filed. It transpired that Section 308 of the Penal Code has not been imputed in the array of charges.

Learned counsel appearing on behalf of the State submits that the petitioner ought to have preferred a Naraji petition. The proceeding before the learned Trial Court has reached a mature stage and is fixed for framing of charge.

Learned counsel for the private respondent denies the allegations made.

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 criminal Court is in seisin of the matter and a charge sheet has been filed. If the petitioner was aggrieved with the charge sheet and was to pray for further investigation, he ought to have preferred a protest petition before the learned Trial Court.

This is not the forum to agitate such grievances. Therefore, I do not find any need to pass an order on this writ petition.

Accordingly, the writ petition is dismissed without costs.

It is clarified that the merits of the case has not been gone into.

Since no affidavits were called for, the allegations contained in the writ petition are deemed not to be admitted.

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

(Jay Sengupta, J.)

