

22.08.2023

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W.P.A. 18266 of 2023

Debjani Ghosh (Biswas)

Vs.

The State of West Bengal & ors.

Mr. Sujoy Sarkar
Mr. Mushraff Alam
Mr. Rahul Chachan
Ms. Sushmita Ghorai

... for the petitioner

Mr. Asim Kr. Ganguly
Mrs. Jyotsna Roy Mukherjee
Mrs. Nilanjana Dasgupta

... for the State

Mr. Uday Sankar Chatterjee
Mr. Suman Sankar Chatterjee

... for the private respondent

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to make proper investigation into the cases started by the petitioner and to arrest the accused in connection with the same.

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

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

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the de facto complainant of the case and the wife of the respondent no.6 while the respondent nos.7 and 8 are the

other in-laws of the petitioner. After the marriage, the husband and the in-laws started torturing the petitioner. She was compelled to lodge an F.I.R. under Sections 498A/323/506/34 of the Indian Penal Code being English Bazar Police Station Case No.86 of 2023. The husband was granted anticipatory bail by this Court. Thereafter, the husband started threatening the petitioner to withdraw the case. This led registration of English Bazar Police Station Case No. 1012 of 2023 dated 1.7.2023 under Sections 195A/506/34 of the Indian Penal Code. The police authorities have not investigated the cases properly and have not even arrested the accused.

Learned Counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. The husband of the petitioner was granted anticipatory bail by this Court. The other accused surrendered before the learned Court below and was granted bail.

Learned Counsel appearing on behalf of the State relies a report and submits as follows. The police authorities have taken adequate steps in respect of the F.I.Rs. lodged by the petitioner. Investigation is going on in both cases. However, the question of arrest did not arise as the husband of the petitioner has already been

granted anticipatory bail and the in-laws were enlarged on bail by the learned court in respect of the first case.

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

It appears that F.I.Rs. were duly registered by the police on the complaint made by the petitioner. The same are being investigated into.

It is also quite significant that the husband was granted anticipatory bail by this Court.

I do not think that the petitioner has made out a case of police inaction in respect of the cases.

As such, no further order need be passed in this writ petition.

The respective Investigating Officers of the cases shall investigate the allegations expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)