

August 29, 2023
AD 16
Court No.14
SG

WPA 18470 of 2023

Tamal Banerjee
vs.
The State of West Bengal and others

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Babhru Bahan Bera
... for the petitioner

Mr. Ashim Kumar Ganguly
Ms. Jyotsna Roy Mukherjee
... for the State

Mr. Soubhik Mitter
Ms. Anasuya Sinha
Ms. Rajnandini Das
... for the respondent No.7

Learned advocate for the petitioner submits that the petitioner was a student of the private respondent. They got acquainted in course of online teaching during the Covid period. Thereafter the private respondent started inducing the petitioner to enter into some kind of relationship. The petitioner resisted, but the private respondent continued to send offensive messages and e-mails. When the petitioner did not yield to such pressure, the private respondent initiated false cases against him. Even after registering those cases, the private respondent continued to send those obnoxious e-mails stating that the two were in some kind of relationship. In spite of making a complaint before the police authorities, no steps have been taken in this regard.

Learned advocate for the private respondent submits that the petitioner is making such allegations in the writ petition only to create a defence for himself. The messages over phone and e-mails would show the kind of inappropriate acts the petitioner was himself indulging in. No case is made out to initiate an FIR against the private respondent.

Learned advocate for the State files two reports, one from the Cyber Crime Section, Howrah and the other from the Cyber Crime Section, Kolkata and the same are taken on record.

Learned advocate for the State submits that the police case was started on the complaint of the private respondent as prima facie case appears to have been clearly made out against the present petitioner. Charge-sheet has already been filed in this case. The present writ petition does not even indicate the provision under which an FIR can to be drawn up against the private respondent.

I have heard the submissions of the parties and perused the writ petition and the reports filed by the State.

The petitioner has failed to indicate the provision of law under which he wants an FIR to be registered.

I find no material available in the writ petition or in the reports to pass any order as prayed for in the writ petition.

However, it shall be open to the present petitioner to explore the possibility of filing an application for a relief in terms of the judgment pronounced by the Hon'ble Apex Court in *Aleque Padamsee's* case, (2007) 6 SCC 171.

With the aforesaid observations, the writ petition is disposed of.

No court shall be swayed by any observation made herein as the same was done only for deciding the writ petition.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]