

07 16.11.2023
NB Ct. 14

WPA 19101 of 2023

Jaykishan Balmiki @ Lali Hizra
Vs.
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay.
...for the petitioner.

Sk. Md. Galib Sr. Govt. Adv.,
Ms. Tanwishree Mukherjee.
...for the State.

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.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a transgender person. The private respondents who are also transgender persons are picking up quarrels without any rhyme or reason with the petitioner and preventing her from doing any work. Several complaints were made before the police authorities, but no steps were taken. The petitioner wants that an FIR be registered upon her complaints dated 13.04.2023 and 10.05.2023.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in

the writ petition are denied. The litigation is a result of turf war between two groups of transgender persons. On the complaints made by the petitioner, the police authorities have already initiated proceeding under Section 107 of the Code. It is also pertinent to mention that earlier the police authorities had registered two FIRs on the complaints made by the petitioner, one ending in a charge sheet and the other is being investigating. There is also a civil suit pending at the instance of the petitioner.

It appears that the police authorities have taken steps as they have deemed fit in respect of the complaints made by the petitioner.

If the petitioner is aggrieved with not treating of the recent complaints made by the petitioner as FIRs, the petitioner shall be at liberty to act in terms of the ratio laid down in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)