

27 08.09.2023
NB Ct. 14

WPA 19586 of 2023

Gautam Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
...for the petitioner.

Mr. Suman Ghosh,
Mr. Soumen Chatterjee.
....for the State.

Mr. Sourav Chatterjee,
Mr. Sanjib Dan.
...for the respondent nos.4,6,7&8.

There are two prayers made by the petitioner in this case. One is for quashing of a complaint made against his son and daughter in law by his other daughter. The second is about not registering of an FIR on a complaint made by the petitioner before the police authorities.

Learned counsel appearing on behalf of the State submits that no FIR has been registered on the complaint of the petitioner's daughter who is suffering from a mental disorder.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the writ petition is misconceived.

So far as the first grievance of the petitioner is concerned, the aggrieved persons are actually his son and daughter in law who have not come up before this Court. Therefore, to that extent, the writ petition is not maintainable.

So far as taking steps by the police authorities on the complaint of the petitioner for not registering an FIR, it shall be

open to the petitioner to act in terms of the ratio laid down in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

Therefore, no further order need be passed in this case.

The police authorities shall be at liberty to act in terms of the complaint filed by the respondent no.5.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

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.)