

20 13.09.2023
NB Ct. 14

WPA 19784 of 2023

Ashalata Kumar @ Ashalata Kumar Koner
Vs.
The State of West Bengal & Ors.

Mr. Arindam Sen,
Mr. Saurav Basu.
...for the petitioner.

Mr. T.M. Siddiqui,
Mr. Suddhadev Adak.
...for the State.

Mr. Kushab Chandra Das,
Mr. Biplab Adak.
...for the respondent nos.7&8.

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 was constrained to file an application under Section 156(3) of the Code, as the police did not take the complaint. Finally, an FIR being Dadpur Police Station Case No.181 of 2023 dated 27.07.2023 could be registered under Sections 448, 323, 354B, 504, 506 and 34 of the Penal Code. The private respondents are the accused in this case who are related to the petitioner. The respondent nos.7 and 9 are the brothers in law of the petitioner and respondent nos.6 and 8 are the wives of respondent nos.7 and 9, respectively. Even, a statement of the petitioner under Section 164 of the Code has not been recorded.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. This is a false case started because of some property dispute between the family members. The private respondents have obtained bail.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The investigating Officer has already recorded the statements under Section 161 of the Code and had arranged for recording of the statements under Section 164 of the Code of the de facto complainant and her husband. The injury reports have also been collected. Notices have been sent under Section 41A of the Code to the FIR named accused who are cooperating with the investigation.

It appears that investigation is going on.

If no Section 164 statement of the victim has been recorded till now, let the investigating agency have such a statement recorded at the earliest.

Let the investigating Officer investigate the case expeditiously and in accordance with law.

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.)