

12.04.2023  
Court No.13  
Item No.330  
AP

**WPA 20687 of 2022**

**Md. Nizam Sk**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Gourav Das  
Mr. Anisur Rahamans

... For the Petitioner.

Mr. Asish Kumar Guha  
Mr. Manas Sadhu

... For the State.

The petitioner is aggrieved that since after registration of the FIR being Berhampore Police Station Case No.235/21 dated 7<sup>th</sup> March, 2021 on his complaint under sections 376AB, 326, 34 of the IPC and section 4 of the POCSO Act against the Imam of Rajdharpara Hanafi Masjid, life of the petitioner and his family members has become miserable. There is a social boycott against the petitioner pursuant to a Fatwa issued by the Imam.

Learned counsel for the State has produced a report in the form of instructions dated 11<sup>th</sup> September, 2022 issued by the Inspector-in-Charge, Berhampore Police Station, Murshidabad addressed to the learned Government Pleader and the same is taken on record.

It appears that Berhampore Police Station has filed charge sheet No.1438/21 dated 10<sup>th</sup> November, 2021 under sections 376AB, 326, 34 of the IPC and section 4 of the POCSO Act against four persons including the Imam. The Imam is in judicial custody at the Berhampore Central Correction Home, Berhampore, Murshidabad.

The police submit that there is no Fatwa against the petitioner and/or his family members. There are persons, who come to visit the petitioner's shop room to purchase goods. The petitioner and his family members are freely moving around and are purchasing articles from the local market and shops.

Since some section of the society may not be informed of the correct facts, the Inspector-in-Charge, Berhampore Police, Murshidabad is directed to take appropriate steps to educate and/or notify the people in the village that the petitioner and his family members cannot be boycotted by the public.

Berhampore Police shall also assess the threat perception, if any, to the petitioner and take immediate and appropriate effective measures. Berhampore Police shall also ensure that the petitioner and his family members live in the village with dignity and in peace. Appropriate protection shall also be afforded to the victim girls by the Berhampore Police. The Superintendent of Police, Murshidabad shall personally ensure compliance of the aforesaid order.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**