

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**Present:**

**The Hon'ble Justice Jay Sengupta**

**WPA 27677 of 2023**  
**XXX**  
**Versus**  
**The State of West Bengal & Ors.**

**For the petitioner** : Mr. Tarun Jyoti Tewari  
: Mr. Amrit Sinha

.....Advocates

**For the State** : Sk. Md. Galib Sr. Govt. Adv.  
Ms. Sujata Mukherjee

.....Advocates

**Heard lastly on** : 12.12.2023

**Judgment on** : 12.12.2023

**Jay Sengupta, J:**

This is an application alleging police inaction and seeking police protection for the petitioner's minor daughter.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the father of a 13 years old girl and the de facto complainant of this case. The accused was practically caught in the act of committing an offence under the POCSO Act against her minor daughter. He fled away. The police after getting the information started investigation, but only chose to serve a notice to the accused under Section 41A of the Code of Criminal Procedure. The accused is roaming around freely in the area and threatening the petitioner and his family members to settle the matter and/or withdraw the case. The minor victim has suffered a big trauma. In fact, even during investigation, necessary care was not taken by the Officers in dealing with the minor victim. She was asked to narrate the incident in front of all including male officers in the police station. This is a clear violation of relevant provisions of law. Let the investigation be done under the supervision of a senior Officer.

Learned senior government advocate representing the State relies on the report filed earlier and submits as follows. Statements of witnesses were recorded. The victim girl refused to undergo medical examination. However, she was produced before the learned Magistrate and her submission was recorded under Section 164 of the Code of Criminal Procedure. On a subsequent complaint made by the petitioner, a proceeding has been initiated by the police under Section 107 of the Code of Criminal Procedure and upon enquiry, the police also filed an NCR under Section 506 of the Penal Code against the FIR named accused. The police are keeping a close watch on the developments in the locality.

It appears that some steps have been taken at least for investigating the case. However, the apprehensions of the petitioner about safety and well-being of the minor daughter and her family members may not be unfounded.

Let the investigation of the case to be carried out by the Investigating Agency under the supervision of DSP, Zonal, Howrah Rural District and upon compliance of all requirements of the POCSO Act.

Let the investigation be concluded expeditiously and in accordance with law.

The Inspector-in-Charge of Bagnan Police Station shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that no harm is done to the petitioner and her family members.

The surveillance shall include frequent visits by police patrols.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to call up the Inspector-in-Charge of the Budge Budge Police Station, who shall then act 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.)**