

13-06-2023
Court No.2
bm/49.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A.62 of 2022

**Minoti Das
Vs.
The State of W.B. & Ors**

Mr. Arijit Ghosh
Mr. S. Sengupta(Ghosh)
For the Petitioner

Mr. Subir Kumar saha
Mr. Pretom Das
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to initiate a criminal proceeding by registering an FIR and investigating into the alleged offence.

Learned Counsel appearing for the petitioner submits as follows. The petitioner's daughter got married to one Dipak Bose in 2020. Several gift articles were given at the time of marriage. Thereafter, the petitioner and their family members started torturing the victim physically and mentally. When the victim girl was nine months in the family way, her husband kicked her on her abdomen and the victim succumbed to her injury on 29.11.2020.

The foetus also died. First, the police refused to register an FIR on a complaint made by the petitioner on 25.03.2021. After the present writ petition was filed, it is learnt that, an FIR has been registered. However, Section 314 of the IPC has not been incorporated.

Learned Counsel on behalf of the State relies on the report and submits as follows. An FIR has indeed been registered on the complaint of the petitioner being Ghoksadanga Police Station Case no. 87 of 2022 under Sections 498A/302 of the Indian Penal Code. Investigation is going on. The further grievance of the petitioner regarding non-addition of Section 314 of the Indian Penal Code can be taken into consideration during investigation.

I have heard the learned Counsels for the parties and have perused the report filed by the State.

It appears that the petitioner's grievance has been substantially redressed because an FIR has indeed been registered.

During the investigation, the issue of purported non-addition of Section 314 of the Indian Penal Code can very well be addressed.

If not, the petitioner would have all the rights to challenge the same before the learned Court.

Therefore, no further order need be passed.

The writ petition is, accordingly, disposed of.

Urgent Xerox certified copy, if applied for, be supplied to the parties.

(Jay Sengupta, J.)