

09.08.2023
A.P.
Item No.29

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

**WPA No. 1513 of 2023
Nishikanta Barman
Vs.
The State of West Bengal & Ors.**

Ms. Suman Sehanabis (Mondal)
Mr. Salok Sah

... for the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose

... for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private respondents despite service.

It is contended on behalf of the petitioner that the petitioner's nephew and the niece of the private respondents were in love with each other and fled away voluntarily. The 6th respondent lodged a complaint in this regard before Mathabhanga Police Station under Sections 353/365 of the Indian Penal Code pursuant to which the petitioner's nephew was arrested. He was released on bail subsequently. The nephew was given in marriage to the niece by the private respondents and continued to reside in the

house of the private respondents. Subsequently, the private respondents inflicted physical and mental torture upon the nephew for which he committed suicide by hanging on 26th January, 2023. The petitioner lodged an FIR against the private respondents under Sections 306/34 of the Code which was registered as G.R. Case No. 88 of 2023.

It is submitted on behalf of the petitioner that despite lapse of five months from the date of lodging of the complaint, the investigating authority has failed to arrest the accused persons. The petitioner submitted a representation before the Sub-Divisional Police Officer, Mathabhanga and the Superintendent of Police, CoochBehar on 17th February, 2023 and 1st March, 2023 respectively which are yet to be considered.

The petitioner seeks a direction upon the concerned authorities to arrest the private respondents, complete investigation of the case and submit charge-sheet therein.

Placing reliance on the written submission submitted by the Inspector-in-charge, Mathabhanga Police Station, CoochBehar, learned counsel for the State respondents submits that upon receipt of FIR, investigation has been initiated against all the private respondents/accused and two of the accused being Shiv Shankar Das and Liton Das have been arrested.

The other accused is absconding. Investigation of the case is in progress.

In view of the above, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)