

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 21.05.2024
DELIVERED ON:21.05.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 831 of 2024

With

IA No. CAN 1 of 2024

Mrs. XX & Anr.

Vs.

Dr. Deepak Shankar Ray & Ors.

Appearance:-

Mr. XX

..... Appellant No. 2 (In person)

Ms. Malabika Saha

Ms. Sharmistha Paul

.....respondents/writ petitioners

Mr. Indranil Roy

Md. Yusuf Ali

.....for the State

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. We have heard the learned advocates for the parties.
2. The appellant no.2, who is appearing online and he had sent a message in the chat box praying that the live streaming of the proceedings be paused. Acceding to the request made by the appellant no.2, live streaming of the proceeding was paused.
3. This intra-Court appeal is directed against the order passed in W.P.A. No.23711 of 2023. The said writ petition was filed by the respondent herein stating that several complaints have been lodged against the respondents before the Criminal Investigation Department, West Bengal and some of the complaints were annexed to the writ petition. Further, the writ petitioners allege that no case has been registered or investigated based on the complaints lodged by the respondents/writ petitioners.

4. The learned Single Bench did not go into the merits of the matter but disposed of the writ petition by the impugned order observing that the writ petitioners, if aggrieved, should lodge complaint before the concerned police station, at the first instance. Accordingly, the writ petition was disposed of granting liberty to the writ petitioners to lodge complaint before the concerned police station with an observation that if the complaint discloses a cognizable offence, the relevant police station shall take steps to register F.I.R. and investigate the matter in accordance with law.
5. We failed to understand as to how the appellants before us, whose names have been masked at their request, are aggrieved by the order passed in the writ petition as the learned Writ Court has not gone into the merits of the matter and left it open to the writ petitioners to work out their remedy before the concerned police station.
6. The appellant no.2, who is appearing online, submitted that several cases have been registered against them and there is a threat of arrest. If that be so, it is well open to the appellants to invoke the provisions of law available to them and approach the competent forum for necessary relief.
7. Thus, we find no ground has been made out to interfere with the order passed in the writ petition.
8. With the above observations/directions, appeal as well as the connected application (IA No. CAN 1 of 2024) stand dismissed.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)