

06.06.2024
Item No. 22
(SSS)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 15189 of 2024

**Shromona Dutta and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Sayantan Adhya, Adv.
.....For the Petitioners.

Mr. Swapan Banerjee, Ld. AGP
Sk. Md. Masud,
Ms. Subhasri Chatterjee,
Mr. Soukteya Ganguly, Adv.
.....For the State.

Mr. Debabrata Dhar (Through virtual mode),
Mr. Pradyut Kumar Roy, Adv.
.....For the respondent No. 4.

Mr. Sayantan Adhya, learned Advocate appears for
the petitioners.

Mr. Sk. Md. Masud, learned State Advocate appears
for the respondent Nos. 1 to 3.

Mr. Debabrata Dhar, learned Advocate appears for
respondent No. 4 through virtual mode.

The petitioner No. 1 is the daughter-in-law of
respondent No. 4. The husband of the petitioner No. 1 i.e.
son of the respondent No. 4 is not impleaded in this writ
petition. The petitioner Nos. 2 and 3 are the parents of
petitioner No. 1.

A matrimonial dispute is pending between the
petitioner No. 1 and her husband, namely, Shri Aalekhya

Adhikary before the Court of the learned Additional District Judge, Alipore. The respondent No. 4 has lodged a complaint before the jurisdictional Police Station on the basis whereof an FIR was registered bearing **FIR No. 90 of 2024**. The petitioners through the instant writ petition, inter alia, pray for setting aside of the said **FIR No. 90 of 2024**.

Learned State Counsel submits a police report dated **June 3, 2024** issued under the seal and signature of the Officer-in-Charge, **Anandapur Police Station**, the same is taken on record. From the record, it appears that investigation is on progress.

After considering the submissions made on behalf of the parties and on perusal of the materials on record, it appears to this Court that the Police authority has acted in due diligence and has been proceeding with the investigation. A substantive matrimonial proceeding is also proceeding before the jurisdictional Civil Court as referred to above. Setting aside/quashing of FIR is a rarest of the rare power to be exercised by a writ Court in a fit, proper and special circumstance. It is not the tool available to a writ Court to exercise its power to quash an FIR in each and every case.

In view of the foregoing discussions and reasons, this Court is of the firm view that there is no merit in the writ petition. However, this order shall not preclude the petitioners to initiate appropriate remedy to seek

protection of law at the appropriate stage, if the petitioner is eligible for such protection.

This order shall have no bearing or effect in adjudication of the matrimonial civil disputes pending before the Alipore Court. This order shall not create any right or equity in favour of the petitioners.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Accordingly, this writ petition **(WPA 15189 of 2024)** stands dismissed without any order as to costs.

Photostat copy of this order, if applied for, be furnished to the parties expeditiously.

[Aniruddha Roy, J]