

02-07-2024
Item No.17
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.16834 of 2024
Malati Devi & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Rishabh Ahmad Khan ...for the petitioner

Mr. Amitesh Banerjee, sr. standing counsel
Mr. Tarak Karan ...for the State

The petitioners allege that two FIRs were registered against them arising out of the same complaint. They pray for quashing of the proceedings in connection with Hastings PS Case No.34 dated April 8, 2024 under sections 341/324/506/34 IPC and section 12 of the Protection of Children from Sexual Offences Act, 2012.

The report on behalf of the Hastings police station dated July 2, 2024, furnished in court, suggests otherwise. The report mentions that two incidents took place on two different dates and accordingly two FIRs were registered. One of the petitioners, I am told, has already obtained bail in connection with one case.

The police appear to be investigating the case still now. The prayer of the petitioners, quashing the case proceedings at this stage, does not arise at all. The investigation is in a nascent stage and this court ought not to interfere with the investigation under Article 226 of the Constitution, till there are instances of mala fide or irregularities.

Accordingly, the writ petition stands dismissed.

The police are, however, directed to continue with the investigation strictly in accordance with law and conclude the same at the earliest.

It is made clear that dismissal of the writ petition will not preclude the petitioners from approaching the learned trial court in seisin of the matter for any further relief, if so advised.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]