

Item No.2

12.07.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17690 of 2024
Tithi Bag

v.

The State of West Bengal & Ors.

Ms. Karunamoyee Samanta
Mr. Dipjyoti Chakraborty
Mr. Rajdeep Adhikari
... for the petitioner.

Sk. Md. Galib
Ms. Sujata Mukherjee
... for the State respondents.

The petitioner alleges that the police failed to take steps in response to the complaint lodged by the petitioner on June 27, 2024 followed by the representation dated July 2, 2024.

Learned advocate representing the State respondents has obtained instruction from the Officer-in-Charge, Belgharia Police Station dated July 12, 2024 which mentions that on June 27, 2024 upon receiving the complaint from the petitioner, enquiry was conducted and it revealed that the allegation of the petitioner is frivolous and as such no cognizable offence was made out in the letter of complaint. As hot altercation took place by and between the parties the police submitted prosecution under Section 107 CrPC.

The report further mentions that on July 2, 2024 i.e. five days after the alleged incident the petitioner sent a complaint to the Commissioner in respect of the selfsame incident with totally exaggerated narrative.

The report of the Officer-in-Charge, Belgharia Police Station does not suggest that at the time of enquiry the statement of the petitioner was taken into account. The police appear to have made a roving enquiry without properly ascertaining the facts from the petitioner.

In view of the above, the Commissioner of Police, Barrackpore Police Commissionerate is directed to take steps in response to the complaint filed by the petitioner on July 2, 2024 strictly in accordance with law and to cause an investigation if cognizable offences are found.

The Commissioner of Police shall ensure that there is no breach of peace at the locale and the life and property of the petitioner and her family members are not endangered in the hands of the private respondents.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)