

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

HEARD ON: 09.09.2024

DELIVERED ON: 09.09.2024

CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
M.A.T. 1558 of 2024

Rohan Roy
Vs.
The State of West Bengal & Ors.

Appearance:-
Mr. Rohan Roy

..... Appellant (In person)

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Mr. Tarak Karan

.....for the State

JUDGMENT

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

1. We have heard Rohan Roy, appellant appearing in person. The appellant was the writ petitioner in W.P.A. 10269 of 2024. The main prayer sought for in the prayer was to issue a writ of Mandamus to the respondent authorities, specifically to the Superintendent of Police, Lalbazar and the Officer-in-Charge, Shaympukur Police Station to take appropriate steps accordingly and make appropriate investigation on the basis of the complaint made by the appellant/writ petitioner and to render police protection for protection of life of the petitioner/appellant.

2. Prayer (d) is to quash and set aside the F.I.R. No. 243 of 2023 dated January 1 2023. The other prayers are interim in nature.
3. The learned Single Bench examined the contentions advanced by the appellant, who appeared in person and pointed out that the investigating officer ought to have acted a bit more reasonably and given some more time and opportunity to the writ petitioner/appellant to respond to the notice under section 41A of Cr.P.C.
4. The learned Single Bench noted that the investigation of the subject case was completed and charge-sheet has been laid and accordingly, left it open to the writ petitioner/appellant to approach the learned Court in seisin of the matter for any further relief that he seeks before us.
5. The writ petitioner/appellant appearing in person would reiterate the submissions made before the learned writ Court and also referred to certain averments made in the writ petition.
6. Be that as it may, the writ petitioner/appellant has sought for appropriate investigation on the basis of his complaint and for police protection. The investigation has been completed and charge-sheet has been laid. If, according to the appellant, the investigation was not proper, then the appellant has got sufficient remedies under the relevant statute. The prayer for quashing the F.I.R. cannot be entertained that too in a petition filed under Article 226 of the Constitution.
7. Therefore, we dispose of this appeal leaving it open to the appellant to raise all issues including the issues canvassed in the writ petition before the learned writ Court before which, the charge-sheet has been laid.
8. No costs.

9. 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.)

Pallab/KS AR(Ct.)