

16 & 17
16-04-2024
AKG
Ct. 238

WPA 23711 of 2023
With
I.A. No. CAN 1/2024 & CAN 2/2024

Dr. Deepak Shankar Ray & Ors.
Vs.
The State of West Bengal & Ors.

And

WPA 21868 /2023
With
I.A. No. CAN 1/2023 & CAN 2/2024

Mrs. Malabika Saha
...for the Petitioner Nos. 1 & 3 in WPA 23711 of 2023
Ms. Sharmistha Paul
...for the Petitioner No. 2 in WPA 23711 of 2023
Ms. X
... Petitioner in person in WPA 21868/2023
Mrs. Malabika Saha
...for Respondent Nos. 15 & 17 in WPA 21868/2023
Ms. Sharmistha Paul
...for Respondent No. 16 in WPA 21868/2023
Mr. Indranil Roy
...for the State in WPA 23711 of 2023
Mr. Tamal Taru Panda
...for the State in WPA 21868/2023

Both these writ petitions are taken up for hearing together. It appears that the petitioners in both the cases have filed several complaints against each other.

In Re: W.P.A. No.23711 of 2023

The petitioners in WPA No.23711 of 2023 lodged several complaints against the petitioner in WPA No.21868 of 2023 before the Criminal Investigation Department, West Bengal. In this writ petition, some of the complaints have been annexed at annexure P/15.

The petitioners allege that no case has been registered or investigation has been initiated following the said complaints.

I am of the view that the petitioners should lodge complaint before the concerned police station at the first instance.

Therefore, this writ petition is disposed of granting liberty upon the petitioners to lodge complaint before the concerned police station. If the complaint discloses any cognizable offence, the relevant police station shall take steps to register F.I.R. and investigate the matter in accordance with law.

Accordingly, **W.P.A. No.23711 of 2023** and connected applications, **I.A. No. CAN 1 of 2024 and CAN 2 of 2024** are disposed of.

In Re: W.P.A. No.21868 of 2023

The petitioner in this case is a lady advocate. It appears that she also filed several complaints against the petitioners in WPA No.23711 of 2023.

Following the complaints, the Investigating Agency has filed Chatterjeehat P.S. charge sheet no.191/23 dated 31.10.2022 under Sections 420/406/448/341/323/307/379/354B/376/506/34 of the Indian Penal Code, 1860, and Howrah P.S. charge sheet no.277/23 dated 30.09.2023 under Sections 195A/506/34 of the

Indian Penal Code, 1860, before the jurisdictional Court. The trials have not yet commenced.

It is the grievance of the petitioner that while attending the Courts in connection with the aforesaid criminal cases, she is being harassed and even attacked by the petitioners in WPA No.23711 of 2023. These allegations have been vehemently denied by the petitioners in WPA No.23711 of 2023.

This Court is not in a position to appreciate the factual disputes. It is only expected that if the petitioner approaches the learned Trial Court seeking her protection, to ensure a free and fair trial, her prayer shall be considered by the Court below by passing necessary order.

Accordingly, **W.P.A. No.21868 of 2023** and connected applications, **I.A. No. CAN 1 of 2023 and CAN 2 of 2024** are disposed of.

(Kausik Chanda, J.)