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08.04.2024
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Ct 14

WPA 23890 of 2023

Zahirul Baidya & ors.

-vs-

The State of West Bengal & ors.

Mr. Rabiul Islam
Mr. Raju Mondal
Mr. Masooq Rahaman

....for the petitioners

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

..for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents took huge sums of money from the petitioners and others for getting them job at Bagdad, Iraq. After they went there, their passports and documents were taken away. They had to be sent back with emergency certificates as they did not have any documents. This was reported to the local police station for registering an FIR and investigation. But, the respondents did not take appropriate steps. On the last occasion, it was submitted on behalf of the State that pursuant to a complaint filed by one of the alleged victims, namely Zahirul Baidya, a specific FIR being Chapra Police Station Case No. 1020 dated 29.12.2023 under Sections 420, 406, 506 and 34 of the Indian Penal Code. However, the victim allegedly gave an intimation that

the matter was settled between the parties. Accordingly, a final report dated 21.01.2024 was filed. It appears that the private respondents settled the matter with one of the victims who had lodged the FIR so that the other victims could be deprived and the offences hushed up. There are several victims of the crime. Separate FIRs need to be registered in this regard. Moreover, the final report ought not to have been passed on the ground that one of the victims has comprised and settled.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The final report was passed in the first proceeding because not only the victim intimated about the statement, he also failed to give relevant documents in support of the allegations. However, on 06.04.2024 over this allegations, a specific FIR being Chapra Police Station Case No. 314 dated 06.04.2024 was registered under Sections 420 and 406 of the Indian Penal Code. On the complaint of another victim, a separate FIR being Chapra Police Station Case No. 315 dated 06.04.2024 was also registered under Sections 420 and 406 of the Indian Penal Code. Investigation is going on. Witnesses have been examined under Section 160 and notices have been sent under Section 91 of the Code.

It appears that after the facts were made clear to the Investigating Agency that one of the alleged victims might have settled and compromised with the accused, but the other victims were still there waiting for redressal of their

grievances, the Investigating Agency has initiated two separate FIRs and are investigating the same.

Let the investigation be continued under the supervision of the concerned SDPO.

Let the investigation be concluded expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)