

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 24041 of 2023

Swaralipi Sarkar

Versus

The State of West Bengal & Ors.

For the petitioner

Mr. Sayan Sinha
Mr. Soham Kumar

For the State

Mr. Asish Kumar Guha
Mr. Benazir Ahmed

Heard on

03.01.2024

Judgment on

03.01.2024

JAY SENGUPTA, J:

This is an application praying for necessary steps to be taken by the police authorities on the written complaints dated 04.09.2023 and 19.09.2023 made by the petitioner and granting police protection in respect of the illegal activities committed by the respondent Nos.5 and 6 and their associates.

Affidavit of service filed in Court is taken on record. It appears that some of the private respondents could not be served with notice.

However, the prime private respondents appear to be in the shoes of the accused in this case.

Learned counsel representing the petitioner submits that the petitioner is a young lady staying at her residence with her brother. There is a civil dispute pending between them and the other relatives. As the latter could not make any headway in any civil proceedings, they engaged local miscreants being respondent Nos.5 and 6 to harass and intimidate the petitioner. They have been stalking, sexually harassing and intimidating the petitioner and giving rape threats. They would abuse the petitioner on the road and use flashlights into her bedroom and bathroom. These were brought to the notice of the police authorities, but no steps had been taken.

Learned advocate for the State relies on the report filed earlier and submits that a specific FIR being Sankrail PS Case No.254 of 2023 dated 04.04.2023 was registered under Section 354D of the Penal Code. Charge-sheet was also submitted. The police are keeping a close watch on the developments in the locality.

No offender can get away by intimidating and sexually harassing unsuspecting women and putting them under severe pressure of threats.

It also does not appear that the police have taken any specific step on the complaints made by the petitioner on 04.09.2023 and 19.09.2023.

Let the police explore the possibility of registering FIRs on the complaints made by the petitioner on such dates as also ponder over the need to initiate a proceeding under Section 107 of the Code.

Even otherwise, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by police patrol.

With the aforesaid observations, WPA 24041 of 2023 is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J)

