

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 24335 of 2023

Sweeta Das

Versus

The State of West Bengal & Ors.

For the petitioner

Mr. Asis Bhattacharyya
Mr. Biswajit Mitra
Ms. Kumari Nilam Shaw

For the State

Mr. Suman Sengupta
Mr. D.B. Mallick

Heard on

03.01.2024

Judgment on

03.01.2024

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to treat the petitioner's complaint as an FIR and to provide protection to the petitioner and her husband against the illegal activities committed by the private respondents.

Affidavit of service filed in Court is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed by the State is also taken on record.

Learned counsel representing the petitioner submits that the petitioner is the daughter of the respondent No.6. She is working in a computer firm and has a handsome salary. This is the reason why the private respondent and some relatives of the petitioner did not want her to get married. After the petitioner married, the private respondents and such other relatives had been harassing, abusing and intimidating the petitioner and her husband on the pretext that her husband belongs to a so-called lower caste. The atrocities committed by the private respondents had become quite unbearable. This was brought to the notice of the police, but no action was taken.

Learned advocate for the State relies on the report and submits that the police had not registered an FIR on the complaint of the petitioner as no cognizable case had been made out. However, the police have initiated a proceeding being Dankuni PS NCR No.1701 of 2023 dated 06.10.2023 under Sections 107/116(3) Cr.P.C. The police are keeping a close watch on the developments in the locality.

It is unfortunate that a young woman is constrained to allege that her father and relatives did not want her to get married and settle down only for her income. More abominable is the allegation that atrocities were committed on the ground that the petitioner's husband belonged to a so-called lower caste.

Such malaise in the society cannot be treated by action of the Administration alone. However, the Administration has to do its bid in providing appropriate relief to the victims.

In the event the petitioner believes that her allegations make out a cognizable case, she shall be at liberty to act in terms of ratio laid down in *Aleque Padamsee's case* reported at (2007) 6 SCC 171.

It appears that the police have taken action by initiating a proceeding under Section 107 of the Code.

Let the police 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.

In the event any untoward incident occurs or is apprehended, the petitioner shall be at liberty to approach the officers of the Cossipore Police Station who shall then act in accordance with law.

With the aforesaid observations, WPA 24335 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)