

01.10.2024
Court No.2
Sl. No.27
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2187 of 2024

**Sri Prasenjit Ghosh & Ors.
-versus
State of West Bengal & Ors.**

**Mr. Aurojyoti Das
Mr. Moyukh Mukherjee
Mr. Rajdip Das
...For the Petitioners.**

**Ms. Bedashruti Bose
Mr. Sumit Kumar
...For the State.**

**Mr. Deborshi Dhar
... For Tanusree Karmakar.**

1. Over an incident which took place within the Siliguri Court Complex on 27th August, 2024, the petitioners intended to lodge a complaint before the police. Allegation is that the petitioners were resisted from registering the complaint before the local police station.

2. A written complaint was thereafter forwarded to the Commissioner of Police, Siliguri Police Commissionerate with a request to register FIR. The same has not been acted upon.

3. It appears from the submissions made on behalf of the parties and on perusal of the documents before the Court that a separate complaint made by one Tanusree Karmakar in respect of the incident on the same date the FIR was registered.

4. The Commissioner of Police, Siliguri Police Commissionerate has forwarded a report annexing copy of the communication made by the Inspector-in-Charge, Siliguri police station, Siliguri Police Commissionerate signed on 26th September, 2024 mentioning that the police could not take steps in response to the complaint filed by the petitioner due to non-cooperation from the side of the petitioner. The communication mentions that telephonic conversation was made with the petitioner and the enquiry officer has reported that the petitioner is now in Delhi for treatment purpose and is unable to come to Siliguri police station.

5. The Inspector-in-Charge has mentioned that if the petitioner appears before the police with a fresh complaint then there is no bar to start a specific case.

6. The Court fails to appreciate as to why a fresh complaint is required to be filed by the petitioners. The complaint of the petitioners annexed at page 46 of the writ petition is yet to be acted upon.

7. The Commissioner of Police is directed to take steps in response to the complaint annexed at pages 46 and 47 of the writ petition.

8. The petitioners are directed to render all cooperation to the police for proper investigation of the complaint lodged.

9. The written complaint of the petitioner no. 1 mentions about the incident being recorded in the close circuit TV in the Court complex.

10. The police is directed to collect the subject CCTV footages from the Court Inspector and preserve the same for the purpose of investigation.

11. The police shall take steps and ensure that the investigation is done in a free, fair and transparent manner strictly in accordance with law.

12. The writ petition stands disposed of.

13. Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)