

29.01.2025
Item Nos. 105
AN/Ct. No. 35

WPA 1639 of 2025

Ahana Ghosh & ors.
vs.
State of West Bengal & ors.

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey

... for the petitioners

Mr. Abhimanyu Banerjee

... for respondent 6, 7 & 8

Mr. Amal Kr. Sen, ld. AGP
Ms. Ashima Das (Sil)

... for the State

Petitioners are aggrieved of the fact that the Police Authorities have compelled her to draft the letter of complaint in a particular manner and consequently, registered a case being Bhadreswar P.S. Case No. 466 of 2024 dated 27.11.2024 under Section 85/316(2)/3(5) of the BNS, 2023.

Learned counsel appearing for the petitioners submits that the background of the case as has been complained of is that there was a prior marriage of respondent no. 6 and suppressing such marriage, the petitioner No. 1 was forced to marry respondent no. 6. It is also submitted that at the relevant point of time so far as the documentary evidence are concerned, as was produced before the marriage registrar of marriage, the respondent no. 6 did not attain the age of 21 years.

Learned counsel submits that the Police Authorities have in fact registered a case under Sections of law for facilitating liberty of the private respondents and without informing regarding the progress of the case submitted chargesheet before the jurisdictional Court.

Learned counsel representing the State submits a report prepared by the Officer-in-Charge, Bhadreswar P.S. Learned advocate denies the accusations made against the Police Authorities and submits that the Police Authorities took prompt action on the complaint furnished by the petitioners and on the same date, the case was registered. Consequently, on conclusion of investigation, chargesheet has been submitted before the Jurisdictional Court.

Learned counsel appearing for the private respondents submits that the accusations of the petitioner against respondent no. 6 that he was earlier married, is absolutely without any factual foundation and the same has been incorporated in the F.I.R. to bolster up a case. In view of the nature of the allegations of the case made in the writ petition and the fact that already a criminal case is pending before the learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly, the petitioners are having alternative and efficacious remedy, as such the petitioners would approach the Jurisdictional Court already in seisin of the matter by invoking the provisions under Section 193(9) of the BNSS, in case, she is aggrieved

regarding the manner in which the investigation has progressed, the Sections which have been incorporated in the facts of the case and if there are omissions of the Investigating Officer. If such an application is filed before the learned Additional Chief Judicial Magistrate, Chandernagore by the petitioners, learned Magistrate would take effort so that the same is disposed of within a period of 45 days from the date of filing of such application.

With the above observations, the instant writ petition being WPA 1639 of 2025 is **disposed of**.

The report so submitted be kept with the record.

Urgent photostat certified server copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Tirthankar Ghosh, J.)