

D/L 44
06.02.2025
Bpg.
ct.no.35

W.P.A.1845 of 2025

**Pritiranjana Bera
Versus
The State of West Bengal & Ors.**

Mr. Shahan Shah
Mr. Abu Musha
Mr. Umenur Khan.
...for the petitioner.

Mr. Asish Kumar Guha
Mr. Benazir Ahmed.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that there is an admitted matrimonial dispute between the petitioner and the respondent no.4. To that effect, divorce proceedings are pending and also a case being Kolaghat P.S. Case No.398 of 2023 has been instituted against the petitioner and others at the behest of the respondent no.4. Petitioner complained to the police authorities that by using the said criminal case, he is being blackmailed by the respondent no.4 for providing a sum of Rs.10 lakhs which is beyond the means of the petitioner and the petitioner has already paid Rs.90,000/-. It has also been complained by the petitioner that in spite of marriage till date subsisting, the respondent no.4 has

entered into a marital relationship with another person.

State has submitted a report. Report of the State is mainly concentrated on Kolaghat P.S. Case No.398 of 2023 dated 30.07.2023 which is a proceeding under Sections 498A/323/34 of the Indian Penal Code which was instituted at the behest of the respondent no.4.

In view of the petitioner's accusations not being dealt with by the police authorities, I grant liberty to the petitioner to approach the jurisdictional Magistrate either under Section 175(3) or under Section 223 of the BNSS. Learned Magistrate would oversee whether any offence has been made out and also thereafter assess whether a case for investigation or a case for issuance of process is made out and accordingly proceed in adherence to the provisions of law.

With the aforesaid observations, WPA 1845 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)