

D/L 24
24.04.2025
Kausik
ct.no.35

W.P.A. 2546 of 2025

XXXXX
Versus
State of West Bengal & Ors.

Mr. Santanu Talukdar
Mr. Sayak Chakraborti
Mr. Wrikbrata Roy
Mr. Iswar Das
Mr. Shwashwitwik Chatterjee
Mr. Nistar Molla

...for the petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

...for the state.

Petitioner has approached this court for the steps which have been taken in connection with Survey Park PS Case No. 1/2025 as also for quashing the proceedings of Survey Park PS Case No. 15/2025. I have perused case diary of both the cases. It is found from the case diary that the enquiry officer in connection with Survey Park PS Case No. 1/2025 advanced prayer for recording the statement under section 183 BNSS on 13.01.2025, but it was the Judicial Magistrate who fixed the date on 02.04.2025.

So far as the statements are concerned the same has been recorded in connection with the said case and the police authorities are carrying forward

the investigation in support of the contentions advanced in the FIR. Notice has also been issued under section 35(3) BNSS to the accused Pramod Kumar Agarwal in Survey Park PS Case No. 15/2025.

I have perused the case diary and also scrutinized the medical documents which have been collected by the Investigating Officer. On an assessment of the same, I find that there are injuries which were checked by a government institute on 02.01.2025. At this stage, it is very difficult for a court of law to assess regarding the truth or falsity of the accusations. The Investigating Agency would unearth the truth, as such the prayer for quashing which has been advanced cannot also be entertained.

Having regard to the fact that in Survey Park PS Case No. 15/2025 Accused/petitioner happens to be a lady and by way of Survey Park PS Case No. 1/2025 she has expressed her grievances which led to the registration of a case, I am of the view that if the petitioner cooperates with the investigation her liberty may not be unnecessarily curtailed by the Investigating Agency.

With the aforesaid observations WPA 2546 of 2025 is disposed of.

Case diary be returned to the learned advocate appearing for the State.

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

(Tirthankar Ghosh, J.)