

11.04.2025
Court No. 35
Item No.2
Rakib

W.P.A. 4226 of 2025

Mousumi Mandal.
VS
The State of West Bengal & Ors.

Mr. Sourodeep Singha.
... for the Petitioner.
Mr. Joydeep Banerjee,
Mr. Prabir Kr. Roy.
...for State.

Petitioner has approached this Court since her representation to the Superintendent of Police, Malda was not considered and the grievance of the petitioner is that the Inspector-in-Charge, Malda Police Station had been harassing her along with she being abused with caste slur. The petitioner therefore approached the Superintendent of Police accusing the Inspector-in-Charge, Malda that as she belongs to Scheduled Caste Community she has been subjected to such harassment by the Inspector-in-Charge and steps should be taken against the erring Inspector-in-Charge of Malda Police Station for his misconduct. It was further submitted that as the Superintendent of Police did not take any steps the petitioner has been compelled to approach this Court.

State has submitted a report. Report reflects that there was an allegation against the present Inspector-in-Charge, Malda Police Station for compelling the petitioner to withdraw the Malda Police Station case no. 754/2023, there were other allegations against the police authorities also. The report of the Superintendent of Police further

reflects that the petitioner is wife of Arka Pravo Dutta against whom several cases have been registered which are as follows:

- i) Malda PS Case No. 506/2023 dated 30/08/2023
u/s 241/279/235/308/506 IPC,
- ii) Malda PS Case No. 737/2023 dated 10/12/2013
u/s 341/325/308/379/506/34 IPC,
- iii) Malda PS Case No. 28/2024 dated 16/01/2024
u/s 341/354B/354D/325/308/34 IPC & R/W Sec
8/12 POCSO Act,
- iv) Malda PS Case No. 155/2024 dated 21/03/2024
u/s 323/325/308/379/34 IPC,
- v) Malda PS Case No. 551/2024 dated 05/08/2024
u/s 316(2)/318(2) BNS,
- vi) Malda PS Case No. 724/2024 dated 15/10/2024
u/s 126(2)/117(2)/76/232/303(2)/3(5) BNS,
- vii) Malda PS Case NO. 928/2024 dated 29/12/2024
u/s 126(2)/117(2)/109/3(5) BNS (Petitioner was
also one of the accused persons of this case).

Another case has been initiated against the husband of the petitioner wherein the husband of the petitioner has been arrested in connection with Nagri (Jharkhand) Police Station case no. 213/2024 and is in custody. The report also reflects that earlier the husband

of the petitioner filed accusations against the Inspector-in-Charge of Malda Police Station which was disposed of by WPA 2827 of 2025. Following the same footsteps the present petitioner has initiated the case for vindicating her grievance and for the purposes of settling score with the Inspector-in-Charge of Malda Police Station and the same is with a mala fide intention according to the report of the Superintendent of Police.

Since the Superintendent of Police has already come to a conclusion, I am of the view that the information which was presented has been addressed. If the petitioner feels that there are issues of grievance petitioner would be at liberty to approach the jurisdictional Special Court in view of the accusations made. The learned Special Court will consider the contentions of the petitioner as to whether the same makes out any cognizable offence in the background of the facts stated by the Superintendent of Police in its report before this Court.

With the aforesaid observations WPA 4226 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

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

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

(Tirthankar Ghosh, J.)