

D/L32
18.03.2025
Bpg.
ct.no.35

W.P.A.5229 of 2025

**Tamal Chatterjee
Versus
State of West Bengal & Ors.**

Ms. Rita Patra
Mr. Prabir Kumar Bose.
...for the petitioner.

Mr. Vimal Kumar Shahi
Mr. SM Samim Ullah.
...for the State-respondents.

Mr. Abhirup Chakraborty.
...for the respondent no.4.

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

Petitioner is aggrieved that the representation which was made with the police authorities lastly on 21.08.2023 has not been acted upon and there were allegations to the effect that the respondent no.4 had taken away the child along with the gold jewelleryes.

State has submitted a report. Let the same be kept with the record.

I find that there has been a matrimonial dispute and Gobardanga Police Station Case No.257 of 2023 dated 09.09.2023 under Sections 498A/325/406/34 of the Indian Penal Code and Sections 3/4 Dowry Prohibition Act was registered for

investigation on or about 09.09.2023 wherein on conclusion of investigation charge-sheet has been submitted under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Having regard to the representation made by the petitioner and the police authorities not acting and more than 1½ years have passed since the communication was made to the police authorities, I am of the view that the petitioner, if so advised, will approach the jurisdictional Magistrate by invoking the provisions under Section 175(3) of the BNSS. Learned Magistrate would assess as to whether any cognizable offence is made out, thereafter ascertain whether a case for investigation is made out and then pass necessary orders as he deems fit and proper.

With the aforesaid observations, WPA 5229 of 2025 is disposed of.

There will be no order as to costs.

Needless to state that since no affidavit has been called for, the allegations made in the writ petition are deemed not to have been admitted.

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.)