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10.07.2025
Ct. No. 11
rrc

FMA 793 of 2025
with
IA No. CAN 1 of 2025
(Durga Sharma Vs. The State of West Bengal & Ors.)

Mr. Sunny Nandy
Mr. Vivek Tripathi
Ms. Yamini Tiwari

.... For the appellant

Ms. Jhuma Chakraborty, Sr. Govt. Adv.
Ms. Munmun Tewary

..... For the State respondent

Affidavit-of-service, as filed, be kept on record. In spite of service no one appears today on behalf of the respondent nos. 5 and 6.

The present appeal has been preferred challenging an order dated 19th March, 2025 passed by the learned single Judge in a writ petition being WPA 4500 of 2025. By the said order, the writ petition was disposed of observing, *inter alia*, that as on the basis of the complaint lodged by the writ petitioner/appellant herein an FIR no. 533 of 2024 dated 20th December, 2024 was registered and upon conclusion of investigation a chargesheet was submitted, the appellant would be at liberty to submit prayer under Section 193(9) of Bharatiya Nagarik Suraksha Sanhita, 2024.

Mr. Nandy, learned advocate appearing for the appellant submits that in course of investigation, the private respondents threatened the appellant to withdraw the complaint and they also assaulted and sexually

harassed her minor daughter, who is presently aged about 13 years. Such fact was immediately reported by a representation dated 28th January, 2025, but the same was not taken into consideration by the police authorities. The learned single Judge glossed over the said issue, as urged and did not issue appropriate directions.

Ms. Chakraborty, learned senior Government advocate appearing for the State respondents, however, submits that there is no infirmity in the order impugned and the learned single Judge did not interfere since pursuant to the appellant's complaint an FIR was registered and upon conducting investigation, chargesheet was submitted.

In course of hearing Ms. Chakraborty, has placed before us a written instruction furnished by the respondent no.2 wherefrom it appears that on the basis of the subsequent complaint lodged by the appellant an FIR no. 300 of 2025 dated 24th June, 2025 has been registered under Sections 351(2)/3(5) of Bharatiya Nyaya Sanhita, 2024 and Section 8 of POCSO Act and investigation is still continuing. Let the written instruction, as filed, be kept on record.

In the said conspectus, no further interference is called for in the present appeal.

Needless to observe the police authorities shall conduct such investigation in a fair and impartial manner and conclude the same at an early date.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)