

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

W.P.A. 15260 of 2024

Sanjukta Samanta & Anr.

-Vs-

Union of India & Ors.

Petitioner No. 1 in person	: Mrs. Sanjukta Samanta
Petitioner No. 2 in person	: Mr. Romit Dutta
For the Respondent Nos. 1 & 2	: Mr. Rajdeep Majumdar Mr. Pinaki Ranjan Chakraborty
For the State	: Mr. Ranabir Roy Chowdhury Mr. Manas Kumar Sadhu Ms. Subhasree Patel
For the Respondent No. 13	: Mr. Neeraj Sekhar Ms. Malabika Saha
Heard on	: 13.03.2025, 28.03.2025, 25.06.2025, 11.07.2025
Judgment on	: 26.09.2025

Ananya Bandyopadhyay, J.:-

1. The instant writ petition had been assigned to this Court by the Hon'ble the Chief Justice, High Court at Calcutta, after the instant writ petition had been released by the Co-Ordinate Bench of this Court presiding over in Court No.14 vide its Order dated 05.08.2024 replicated as follows:-

“Live streaming of Court proceeding has been paused.

Heard submission of the petitioner no.2 and the learned advocate representing the respondent no.13.

The petitioner no.1 behaves in an extremely unruly manner before the Court. She is highly agitated. The Court is not inclined to hear the matter.

Let this matter be released from the list of this Bench and be placed before the Hon'ble Chief Justice for necessary order."

2. The instant writ petition had been filed, *inter alia*, praying for following reliefs:-

".....

B. Writ of an/or in nature of mandamus do issue commanding the respondents to declare the impugned proceedings of Chatterjeehat Police Station Case 86 of 2024 dated 04.05.2024 under sections 341/365/468/420/506/34 IPC is illegal, void ab initio and unconstitutional;

C. Writ in nature of mandamus to quash the entire proceedings in connection with Chatterjeehat Police Station Case 86 of 2024 dated 04.05.2024 under sections 341/365/468/420/506/34 IPC pending before Learned CJM at Howrah and being investigated by state respondents;

D. Writ in nature of mandamus do issue commanding the respondents and its men, subordinates, assignees to unconditionally forthwith withdraw, recall, rescind all steps taken in pursuance of the Chatterjeehat Police Station Case 86 of 2024 dated 04.05.2024 under sections 341/365/468/420/506/34 IPC;

E. Writ of an/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates and each one of them to quash/set aside the impugned Notification issued by the office of Respondent 6 vide Org No.618/CS dated 06.05.2024 through

which the investigation of Chatterjeehat Police Station Case no.78 of 2023 dated 04.05.2023 was taken up by respondent no.7;

F. Writ of and/or in nature of mandamus do issue commanding the respondents to render appropriate protection to life, liberty and possession to the writ petitioner no.1 by the respondents 1, 2;

G. Writ of and/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates and each one of them to hand over the Case Diary of Chatterjeehat Police Station Case no.78 of 2023 dated 04.05.2023 to the office of Respondent no.4 forthwith;

H. Writ of and/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates to stay the investigation of impugned FIR Chatterjeehat Police Station Case 86 of 2024 dated 04.05.2024 under sections 341/365/468/420/506/34 IPC by respondent no.9 with immediate effect;

I. Writ of an/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates not to take any coercive steps against the petitioners in connection with Chatterjeehat Police Station Case 86 of 2024 dated 04.05.2024 under sections 341/365/468/420/506/34 IPC;

J. Writ of and/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates not to take any coercive steps against the petitioners in connection with any frivolous FIRs against the Writ Petitioners by the accused respondent 13 and his associates;

K. Writ of and/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates to stay the impugned further investigation of Chatterjeehat Police Station Case no.78 of 2023 dated 04.05.2023 by State CID respondents;

L. Writ of and/or in nature of mandamus do issue commanding the respondents and of their men, agents and subordinates not to register any false FIR against the Writ Petitioners by the instant accused respondents and his associates without any preliminary inquiry as well as without leave of this Hon'ble Court;

M. A writ of and/or in nature of certiorari directing the concerned respondents being respondent Nos.1, 2 and 4 thereof to transmit and/or produce all relevant records lying with them to this Hon'ble Court so that conscionable justice may be done after hearing the respective parties to this writ petition;

N. A writ of and/or in nature of Mandamus commanding the respondent authorities 1, 2 to render appropriate protection to protect life and possession of the petitioner;

.....”

3. The petitioner Nos.1 and 2 contended to be the Learned Advocates practising in the High Court at Calcutta as well as the Supreme Court of India. The petitioners, on invitation by the respondent No.13, visited his house at Tamilnadu to hold a conference with the father of respondent No.13 concerning the filing of affidavit-of-assets and liabilities in connection with a dispute regarding domestic violence instituted against the respondent No.13 pending at the District Court of South 24-Parganas at Alipore.
4. Petitioner No.1 learnt of certain false information presented through an affidavit-on-oath before the Court of Learned 6th Judicial Magistrate at Alipore, South 24-Parganas concerning the occupation of respondent No.13 and confronted the same. The respondent No.13 consequently insulted the petitioner, indignifying her with threats, defamation and dire consequences. Subsequently, the petitioner No.1 was threatened by an associate of

respondent no.13 as narrated in paragraphs 5 and 6 of the writ petition. The petitioners, thereafter, forwarded a complaint through e-mail to the respondent no.8 being the Commissioner of Police, Howrah and Kolkata Police on 23rd of April, 2023 at 21:44 hours.

5. On 29th of April, 2023 at about 08:30 P.M., the respondent no.13 accompanied by his associate forcefully entering the chamber of petitioner no.1, physically molested and harassed her as stated in paragraph 8 of the writ petition. Meanwhile, the unknown associate vandalized the chamber of the petitioner and escaped therefrom along with a mobile of model Vivo – Y100 and a sum of Rs.65,000/- in cash.
6. The petitioners initially refrained to proceed against the criminal acts of respondent no.13, however, ultimately lodged a complaint against the aforesaid respondents at the office of respondent no.8 and 9, i.e., Officer-in-Charge of Chatterjeehat Police Station at Howrah on 03.05.2023 at 20:21 hours and the complaint was registered as Chatterjeehat Police Station Case No.78 of 2023 dated 04.05.2023 under Sections 420/406/448/341/323/354B/307/376/379/506/34 of the Indian Penal Code. The respondent no.13 was, thereafter, arrested by the office of the respondent no.9 who later on obtained an order of bail from the Hon'ble Court.
7. The petitioners had filed a complaint registered by the police being Howrah P.S. Case No.262 of 2023 dated 27.07.2023 under Sections 195A/506/34 of the Indian Penal Code against the associates of respondent no.13 for being threatened as mentioned in paragraph 15 of the writ petition.

8. The petitioners contended to have been insinuated through various means as stated in paragraphs 17, 18, 19, 20, 21 and 22 of the writ petition. The predicaments of the petitioners had been vividly described in paragraphs 25, 26, 27, 28, and 29 of the writ petition. The petitioner no.1 claimed herself to be a member of a political party, who had dealt with a Public Interest Litigation in person addressing the grievances in connection with an incident which occurred at Sandeshkhali in West Bengal through a writ petition being No.WPA(P) 78 of 2024 before the Hon'ble High Court at Calcutta and SLP(C) No.9462/9465 of 2024 before the Hon'ble Supreme Court of India. The petitioner no.1's combat and opposition against injustice towards general women through the aforesaid writ petition rendered her aged senior citizen parents to suffer from trauma and threats at the behest of her competitive political party. The petitioner no.1 narrated the conduct of the Learned Public Prosecutor of the State of West Bengal in paragraphs 35 and 36 of the writ petition.

9. The petitioners in the instant writ petition further stated as follows:-

- (i) The State respondents in collusion and conspiracy with the accused respondent no. 13 had registered the said FIR being Chatterjeehat PS Case 86 of 2024 dated 04.05.2024 against the petitioner no.1 and petitioner no.2, who was prime witness of the heinous crime happened to her in the form of Chatterjeehat PS Case No.78 of 2023 dated 04.05.2023 to achieve their ulterior motive to put the instant petitioner no.1 and 2, behind the bar for restraining the petitioner no.1 from representing herself for the sexual assault victims of

Sandeshkhali, West Bengal as in person PIL Writ petitioner therein before Hon'ble High Court at Calcutta in WPA (P) 78 of 2024.

- (ii) The instant false and fabricated FIR being Chatterjeehat PS Case No.86 of 2024 dated 04.05.2024 was the delayed counterblast of the Chargesheeted Case being Chatterjeehat Police Station Case no 78 of 2023 dated 04.05.2023, Howrah PS Case 262 of 2023 dated 27.07.2023 and Chatterjeehat PS Case 23 of 2024 dated 05.02.2024.
- (iii) The instant false FIR against Writ Petitioners was lodged by complete misusing the liberty granted by Hon'ble High Court in WPA 23711 of 2023 while the Hon'ble High Court while disposing WPA 23711 of 2023 vide order dated 16.04.2024 never granted liberty to the accused respondent 13 to lodge a fresh /de novo complaint before police against petitioners with inordinate delay for registration of FIR.
- (iv) The accused respondent no.13 in collusion and conspiracy with the State police had misused and abused the Hon'ble High Court given liberty to fabricate instant petitioners into a false, fabricated FIR.
- (v) The respondent no.3, being clubbed up with the state respondents had been actively involved in terrorizing the victim writ petitioner and prime eye witness her husband of the case being Chatterjeehat PS Case No.78 of 2023 dated 04.05.2023 by way of taking up investigation of the case by CID in completely *mala fide* manner totally contradictory as mandated by law as well as by way of filing such false and fabricated FIR against the petitioner and her husband.

- (vi) After coming out of judicial custody and police custody for commission of crime of sexual violence against petitioner in connection with Chatterjeehat Police Station Case 78 of 2023 dated 04.05.2023, to wreak personal vengeance the prime accused respondent 13 had created a false, fabricated story of his alleged abduction of himself at same time while he committed crime and had lodged FIR against writ petitioner after one year of inordinate delay.
- (vii) She, being the de-facto complainant of Chatterjeehat PS Case 78 of 2023 dated 04.05.2023, was not being able to return at her home city Calcutta as well as she had not been able to represent the sexual assault victims of Sandeshkhali, West Bengal in the PIL WPA(P) 78 of 2024 (physically , which was the PIL filed by her as in person at first instance for protection of Vulnerable victims therein) before the Hon'ble High Court at Calcutta and before this Hon'ble Supreme Court as SLP (C) No. 9462-9465 of 2024 .
- (viii) Due to registration of said false FIR being Chatterjeehat PS Case 86 of 2024 dated 04.05.2024 upon a deviated version of original crime incident happened to the writ petitioner no. 1, she would not be able to represent herself as in person petitioner de-facto complainant before the Learned Trial Courts and before Hon'ble High Court in several proceedings under severe threat of her and her husband's arrest by the State police machineries upon said false FIR registered against the Writ Petitioner and her husband.

- (ix) The petitioner stated that the FIR being Chatterjeehat PS Case 86 of 2024 dated 04.05.2024 was registered to wreak personal vengeance against the writ petitioner and her husband by the state police respondents in collusion and conspiracy with the accused respondent no.13.
10. The investigation in Chatterjeehat Police Station Case No.78 of 2023 dated 04.05.2023 was entrusted upon respondent no.6 C.I.D., West Bengal at the instance of the Learned Public Prosecutor, State of West Bengal unilaterally without an order passed by the Hon'ble High Court at Calcutta to the astonishment of the petitioners which, according to the petitioners, had been biased and politically motivated.
11. The petitioners are of the firm conviction to be betrayed with right to fair investigation and fair trial to their utter detriment and prejudice. The petitioners, being intimidated by the action on the part of the State agencies, further sought for personal protection as she had been constantly threatened by the police offices, CID officials etc. The petitioners, as would appear from the order-sheets of the instant writ petition, appeared before this Court in person and agitated their trauma and agony to have been continuously threatened by the respondents and other State officials resulting in their apprehension of life and property to be in extreme danger and peril.
12. The petitioner no.1 claimed to have been physically molested by the respondent no.13 and the State agencies constantly threatened and harassed her preventing her to pursue her profession as a lawyer and to fight for the cause demanding protection of women's life, right and dignity.

Petitioners appearing in person submitted the Learned Public Prosecutor on his own accord had transferred the investigation to the CID agencies without an order of the Hon'ble High Court at Calcutta to investigate the Chatterjeehat Police Station Case being No.78 of 2023 as aforesaid to wreak vengeance against them.

13. The order dated 23.08.2024 passed by this Court is replicated hereinbelow:-

“The learned advocates for the respondent nos.3 to 11 and the respondent no.13 are present.

The petitioner no.1 appeared online prior to the recess expressing her extreme urgency for listing the matter for hearing. Accordingly, a supplementary list was prepared fixing the matter at 2.00 p.m.

The petitioner no.1 did not appear before the Court either in-person or online at the time of hearing though the petitioner no.2 appeared online and submitted due to medical emergency, the petitioner no.1 could not appear before the Court.

It was further submitted by the petitioner no.2 that the Union of India being the respondent no.1 and the Central Industrial Security Force being the respondent no.2, should be providing proper security to the petitioner nos.1 and 2 and their presence was required for adjudication of the instant writ petition at the time of hearing.

The petitioner nos.1 and 2 are directed to serve a notice upon the learned advocate for the respondent nos.1 and 2 intimating the next date of hearing on 3rd September, 2024 and to file an affidavit of service to that effect.

Next date be fixed on 3rd September, 2024 at 2.00 p.m. for further hearing.”

14. Subsequently, on 03.09.2024 the petitioner no.1 and 2 appeared in person and submitted the arbitrary action on the part of the Learned Public

Prosecutor to have initiated the investigation through CID, West Bengal without the direction obtained from the Learned Chief Judicial Magistrate, Howrah based on a communication addressed to the same and referred to an order dated 08th April, 2024 passed by an Hon'ble Co-Ordinate Bench of this Court in CRR 1023 of 2024.

15. Considering the submissions of the petitioners in person, this Court passed an order dated 03.09.2024 as replicated hereinbelow:-

“The supplementary affidavit filed by the petitioner no.1-in-person be kept on record. Copies of the same have been served upon the learned advocates appearing for the other respective respondents.

*The petitioners-in-person referred to the order dated 8th April, 2024 passed by a Hon'ble Coordinate Bench of Court in CRR 1023 of 2024 as well as to the communication addressed to the learned Chief Judicial Magistrate, Howrah Court, marked as **“annexure P-10”** to the writ petition. The petitioners as aforesaid further submitted that the communication to the learned Chief Judicial Magistrate, Howrah Court referring to CID investigation was not directed through an order of this Court, as aforesaid.*

The learned advocate for the State refers to the Police Regulation Bengal, 1943 whereby the CID can on its own take up the investigation. The learned advocate for the State is requested to inform the learned Public Prosecutor, Mr. Debasis Ray to be present before this Court on the next date of hearing to explain as to what prompted him to submit before the Coordinate Bench that the investigations were to be conducted up by the CID, West Bengal.

The learned advocate for the respondents are to file respective reply to the supplementary affidavit filed by the petitioners-in-person before the Court on the next date with regard to the possibility of security to be provided to the petitioner no.1 as claimed in the instant writ petition.

Heard the submission of the learned advocate representing the respondent no.13.

The status report filed by the learned advocate for the State be kept on record. A copy of the same has been served upon the petitioner nos.1 and 2 in Court.

Next date be fixed on 17th September, 2024.”

16. Vide order dated 17.09.2024, this Court had appointed Learned Senior Advocate Mr. Milon Mukherjee, the Learned Advocate Mr. Souvik Mitter and Learned Advocate Ms. Sutapa Sanyal to assist the Court as *Amicus Curiae* in order to dispose of the instant writ petition which was accepted by the aforesaid Learned Advocates. The order dated 17.09.2024 passed by this Court replicated as follows:-

“The learned senior advocate Mr. Milon Mukherjee, the learned advocate Mr. Souvik Mitter and the learned advocate Ms. Sutapa Sanyal have been requested to assist the Court as amicus curiae in order to dispose of the instant writ petition and the same has been accepted by the aforesaid learned advocates.

The learned advocate representing the respondent no.13 submits to serve a copy of the writ petition along with the annexed documents and the orders to the learned advocates appointed as amicus curiae in this matter.

The learned advocate representing respondent nos.1 and 2 are present and submitted the opinion of the Union of India with regard to the provision of safety and security, generally accorded to specific individuals subject to certain circumstances.

It is further submitted that the Ministry of Home Affairs is the appropriate authority to provide safety and security to an individual considering the threat perception after thorough assessment of the facts and circumstances of a distinct case.

Heard the submissions of the learned advocates appointed as amicus curiae and also the submissions of the petitioner no.1 and 2 appearing in-person.

The learned advocate representing the respondent no.13 seeks time to file an affidavit-in-opposition to the supplementary affidavit filed by the petitioner nos.1 and 2 appearing in-person after the processes for filing the same gets endorsed through the concerned authority pertaining to Bangladesh and the same is allowed.

Next date be fixed on 4th October, 2024 at 2.00 p.m. for further hearing.”

17. On 04th October, 2024, the petitioner no.2 appeared online and submitted to have preferred an appeal before the Division Bench presided over by the Hon’ble the Chief Justice, High Court at Calcutta and sought for time on that ground. PW-1 did not appear before the Court. Petitioner no.1 and petitioner no.2 were directed to file an affidavit preferring an appeal as aforesaid.
18. On 18th November, 2024, petitioner no.1 did not appear before this Court either in person or online. Petitioner no.2 appeared online and filed a supplementary affidavit through is concerned Learned Advocate Mr. Arkadeb Nag in open Court which, *inter alia*, stated the grievance of the petitioners against the order dated 17.09.2024 passed by this Court in WPA 15260 of 2024 for seeking assistance of the Learned Advocates of this Court to act as *Amicus Curiae* as aforesaid.
19. The appeal was preferred before the Hon’ble Division Bench presided over by the Hon’ble the Chief Justice being MAT 2051 of 2024 on 6th of November, 2024. Moreover, the fate of the said appeal had not been communicated to this Court, if at all the hearing had been conducted. On 18th November,

2024, the Learned Public Prosecutor appeared before this Court in compliance with the order dated 03.09.2024 whereby this Court had sought for an explanation as to what prompted him to submit before the Co-ordinate Bench that the investigation of the Chatterjeehat Police Station Case Nos.86 of 2024, 78 of 2023 and 23 of 2024 was to be conducted by the CID, West Bengal.

20. The Learned Public Prosecutor submitted several complaints and allegations against two Hon'ble Judges of this Court and the officials of the Chatterjeehat Police Station by the petitioners compelled him to ensure the investigation to be carried out by an agency not comprising of the said officials of the Chatterjeehat Police Station and to obliterate the apprehension of partial and biased investigation, the same was asked to be conducted by the CID, State of West Bengal.

21. On 19th of December, 2024, the Learned Public Prosecutor in compliance with the order dated 18th November, 2024 filed a report stating the status of investigation concerning the aforesaid police station cases. On 19th December, 2024, the Learned Public Prosecutor filed the report as aforesaid along with an explanation as sought for. The petitioner no.1 was neither present before the Court nor appeared online. Petitioner no.2 appeared online and stated the appeal filed before the Division Bench was appearing in the Daily List to be called for hearing. The petitioner no.1 and 2 had been time and again asked by this Court to produce the details of the complaint or G.D. Entry number which they claimed to have filed in the concerned police station on several occasions for being threatened, physically manhandled,

molested and harassed. The petitioners did not produce any reference to that effect before this Court.

22. An order dated 03.10.2023 passed by the Co-Ordinate Bench of this Court in WPA 23711 of 2023 is replicated as follows:-

“The respondent no. 12 appears in-person and tries to out shout others. In spite of request made by the Court to calm down, she does not relent and continues with her belligerent demeanour.

In view of this, I am not inclined to take up this matter.

Accordingly, the matter is released from my list.”

23. It is pertinent to mention that the petitioners and the respondent no.13 who had been the erstwhile client of the petitioners who sought for legal assistance of the petitioners engaging them to be his advocates had filed writ petitions being No.WPA 23711 of 2023 and WPA 21868 of 2023 wherein several complaints had been filed against each other. Vide an order dated 16.04.2024, a Co-Ordinate Bench of this Court had passed the following order:-

“Both these writ petitions are taken up for hearing together. It appears that the petitioners in both the cases have filed several complaints against each other.

In Re: W.P.A. No.23711 of 2023

The petitioners in WPA No.23711 of 2023 lodged several complaints against the petitioner in WPA No.21868 of 2023 before the Criminal Investigation Department, West Bengal. In this writ petition, some of the complaints have been annexed at annexure P/15. The petitioners allege that no case has been registered or investigation has been initiated following the said complaints.

I am of the view that the petitioners should lodge complaint before the concerned police station at the first instance.

Therefore, this writ petition is disposed of granting liberty upon the petitioners to lodge complaint before the concerned police station. If the complaint discloses any cognizable offence, the relevant police station shall take steps to register F.I.R. and investigate the matter in accordance with law.

*Accordingly, **W.P.A. No.23711 of 2023** and connected applications, **I.A. No. CAN 1 of 2024 and CAN 2 of 2024** are disposed of.*

In Re: W.P.A. No.21868 of 2023

The petitioner in this case is a lady advocate. It appears that she also filed several complaints against the petitioners in WPA No.23711 of 2023.

Following the complaints, the Investigating Agency has filed Chatterjeehat P.S. charge sheet no.191/23 dated 31.10.2022 under Sections 420/406/448/341/ 323/307/379/354B/376/506/34 of the Indian Penal Code, 1860, and Howrah P.S. charge sheet no.277/23 dated 30.09.2023 under Sections 195A/506/34 of the 3 Indian Penal Code, 1860, before the jurisdictional Court. The trials have not yet commenced.

It is the grievance of the petitioner that while attending the Courts in connection with the aforesaid criminal cases, she is being harassed and even attacked by the petitioners in WPA No.23711 of 2023. These allegations have been vehemently denied by the petitioners in WPA No.23711 of 2023.

This Court is not in a position to appreciate the factual disputes. It is only expected that if the petitioner approaches the learned Trial Court seeking her protection, to ensure a free and fair trial, her prayer shall be considered by the Court below by passing necessary order.

*Accordingly, **W.P.A. No.21868 of 2023** and connected applications, **I.A. No. CAN 1 of 2023 and CAN 2 of 2024** are disposed of.”*

24. The present petitioners in the instant writ petition had filed an appeal against the order dated 16.04.2024 passed in WPA 23711 of 2023 and WPA 21868 of 2023 before the Division Bench presided over by the Hon'ble the Chief Justice of this Court. By a judgment dated 21.05.2024 in MAT 831 of 2024, the Hon'ble Division Bench presided over by the Hon'ble Chief Justice of this Court had passed a judgment replicated as follows:-

"1. We have heard the learned advocates for the parties.

2. The appellant no.2, who is appearing online and he had sent a message in the chat box praying that the live streaming of the proceedings be paused. Acceding to the request made by the appellant no.2, live streaming of the proceeding was paused.

3. This intra-Court appeal is directed against the order passed in W.P.A. No.23711 of 2023. The said writ petition was filed by the respondent herein stating that several complaints have been lodged against the respondents before the Criminal Investigation Department, West Bengal and some of the complaints were annexed to the writ petition. Further, the writ petitioners allege that no case has been registered or investigated based on the complaints lodged by the respondents/writ petitioners.

4. The learned Single Bench did not go into the merits of the matter but disposed of the writ petition by the impugned order observing that the writ petitioners, if aggrieved, should lodge complaint before the concerned police station, at the first instance. Accordingly, the writ petition was disposed of granting liberty to the writ petitioners to lodge complaint before the concerned police station with an observation that if the complaint discloses a cognizable offence, the relevant police station shall take steps to register F.I.R. and investigate the matter in accordance with law.

5. We failed to understand as to how the appellants before us, whose names have been masked at their request, are aggrieved by the order

passed in the writ petition as the learned Writ Court has not gone into the merits of the matter and left it open to the writ petitioners to work out their remedy before the concerned police station.

6. The appellant no.2, who is appearing online, submitted that several cases have been registered against them and there is a threat of arrest. If that be so, it is well open to the appellants to invoke the provisions of law available to them and approach the competent forum for necessary relief.

7. Thus, we find no ground has been made out to interfere with the order passed in the writ petition.

8. With the above observations/directions, appeal as well as the connected application (IA No. CAN 1 of 2024) stand dismissed.

9. No costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.”

25. Subsequent to the aforesaid orders passed by the Hon’ble Single Bench and the Hon’ble Division Bench of this Court, the petitioner no.1 and 2 failed to place any document of complaint filed by them before the concerned police authorities claiming threat to their personal life and property and of any action restricting their liberty to pursue their profession with dignity.

26. The Learned Advocate representing the respondent no.1 and 2 submitted the opinion of the Union of India specifically the Ministry of Home Affairs to be the appropriate authority to provide safety and security to an individual considering the threat perception after thorough assessment of the facts and circumstances of a distinct case. It was further urged neither the police authorities concerned nor this Court can assess whether the petitioners required to be provided safety and security on the basis of personal claim of

a threat perception since it was within the absolute domain of the Ministry of Home Affairs to ascertain and decide the seriousness and gravity of the situation to provide safety and security to any individual.

27. The Learned Advocate representing the State-respondents submitted despite the order of the Co-Ordinate Bench of this Court, the petitioners did not co-operate with the investigation and suspected the investigating agency of biasedness, arbitrariness and to wreck vengeance against the petitioners for having dealt with a Public Interest Litigation against the State authorities concerning an incident at Sandeshkhali. The petitioners were of the opinion to be prejudicially prevented and impartial hearing and failed a transfer petition before the Hon'ble Supreme Court of India being Transfer Petitions Criminal Nos.701/702 of 2024 which was dismissed as the Hon'ble Supreme Court observed no case for transfer to have been made out vide its order dated September 2, 2024.

28. The petitioners had also filed writ petition criminal No.236 of 2024 before the Supreme Court of India which was withdrawn by the petitioners. The petitioners had accused the police personnels and other officials and had impleaded them in the instant writ petition without plausible reasons and did not deliberately co-operate with the investigation citing their dissatisfaction as the same had been conducted by the CID, West Bengal further stating to the Investigating Officer that the investigation should be conducted by the CBI.

29. The Learned Advocate representing the State further submitted it would not be possible for the Writ Court to quash the proceedings since the complaint

as well as the FIR delineated commission of cognizable offences and the charge-sheet had been submitted with further prayer on the part of the Investigating Officer to file a supplementary charge-sheet. The Writ Court in case of the offences being cognizable and the conundrum between the parties should be decided through trial by the competent court. The Writ Court should not exercise its jurisdiction to quash the proceedings.

30. The Learned Advocate representing the respondent no.13 submitted the petitioners to have instituted false and malicious complaints against the respondent no.13 with an intention to incriminate him in serious offences of rape, theft etc. The father of the respondent no.13 being a nonagenarian person had been dragged mercilessly into humiliation, despair, agony and trauma. The petitioners on being asked to be relieved of their professional responsibility to represent the respondent no.13 and to withdraw the cases on account of reconciliation between the respondent no.13 and his wife infuriated the petitioners to lodge frivolous and baseless complaints against the respondent no.13 whereby the same being a professional oncologist practising in Bangladesh had been arrested and was released on bail. It was further submitted the respondent no.13 to have been kidnapped by the petitioners, physically assaulted and captivated.

31. The Learned Advocate representing the respondent no.13 submitted that the petitioner no.1 had instituted complaint cases against her and the same had not been taken cognizance of by the CMM vide order dated 13.07.2023 passed in CS/71375/2023.

32. The Learned Advocate representing the respondent no.13 further submitted to have been repeatedly threatened and abused by the petitioners on the corridor of this Court along with her junior who happened to be a practising advocate in this Court. Against complaints registered as FIR, criminal revisional applications have been pending before the respective Co-Ordinate Bench of this Court.
33. The petitioners were trying to frustrate the proceedings by delaying the hearing of the same on several pretexts to the predicament of the respondent no.13. Moreover, since the investigation had proceeded to a considerable extent, the writ petition should not be entertained.
34. The relationship between the petitioners and the respondent no.13 apparently had been cordial at the inception whereby the petitioners accorded legal assistance to respondent no.13 to defend him in several cases instituted against him in the Court of law, which gradually might have evolved to be trustworthy and amicable to the extent the petitioners accompanied the respondent no.13 to his parents' house at Tamil Nadu to assist the respondent no.13 and his father in property related issues and its assessment thereof. In course of time, the professional and congenial relationship seemingly transformed into resentment and hostility.
35. The petitioner no.1 subsequently on 28.04.2023 was asked to withdraw the following cases pending before the respective Courts as stated below:-

“(i) Divorce Case 1647 of 2022 pending at 13th ADJ, Alipore

(ii) Objection in Restitution Case 1535 of 2022 pending at 6th ADJ, Alipore

- (iii) All my objection petitions and non maintainability petitions filed by me in Maintenance Case 613 of 2021 pending at 6th JM, Alipore*
(iv) Non-maintainability petition in DV Case 561 of 2023 pending at 6th JM, Alipore”

36. Respondent no.13 asked the petitioner no.1 through a communication dated 03.05.2023 for relieving her to take any further steps in the following legal matters pending before the various Courts alleging the petitioner no.1 and 2, *inter alia*, to have failed to maintain their professional ethics and discipline as mentioned therein:-

- “(i) 613/2021 – 6th JM, Alipore*
(ii) 1535/2022 – 6th ADJ, Alipore
(iii) 1647/2022 – 13th ADJ, Alipore
(iv) 561/2023 – 6th JM, Alipore
(v) 38867/2023 – 14th Metropolitan Magistrate, Bankshall Court”

37. The relationship between the disputants worsened with lapse of time and the petitioner filed complaints against the respondent no.13 and his associates.

38. Based on the complaint filed by the petitioner herein Chatterjeehat Police Station Case No.23 of 2024 dated 05.02.2024 under Sections 341/323/325/326B/354A/354B/509/506/34 of the Indian Penal Code anticipatory bail was granted in favour of the accused therein vide order dated 13.03.2024 passed by this Court in CRM(A) 880 of 2024.

39. Based on the complaint of the petitioner herein Chatterjeehat Police Station Case No.78 of 2023 dated 04.05.2023 under Sections 420/406/448/341/323/307/379/354B/376/506(2)/34 of the Indian Penal Code had been instituted against the accused persons mentioned therein.

40. The Learned Advocate representing the respondent no.13 submitted the complaint filed by the respondent no.13 dated 28th April, 2024 accused the petitioners of abduction, extortion, physical assault, threat to murder, defamation, confiscation of passport, ATM card and other official documents perjury, forgery implicating in false and fabricated criminal cases to extort money.
41. Records further reveal an FIR to have been instituted by the Sathuvachari Police Station, Vellore, on the basis of the complaint received from one Dr. Debidas Rai who alleged that his son was missing referring to the present petitioners to have visited his house claiming for further money to defend his sons petitioners' case.
42. The respondent no.13 who had been an accused in Chatterjeehat Police Station Case No.78 of 2023 filed under Sections 420/406/448/341/323/379/354B/307/376/506/34 of the Indian Penal Code was granted bail vide order dated 03.08.2023 passed by this Court in CRM (DB) 3080 of 2023.
43. The Learned Public Prosecutor had submitted the status report prepared by the concerned Investigating Officer:-

“1. Case No. and date of registration: Chatterjeehat (Howrah Police Commissionerate) PS Case No 78/2023 dt 04/05/2023

2. Sections of law: U/S 420/ 406/ 448/ 341/ 323/ 379/ 354B/ 307/376/506/34 IPC.

3. Control order No. & Date: The case was assumed by CID W.B. Vide Org No 618/CS. Dt. 06/08/24.

4. Name and rank of investigating officer: (i) SI Sudipta Kar of Chatterjeehat (Howrah Police Commissionerate) PS (ii) Inspector Swapna Ghosh O/C, POWC Cell, CID, WB.

5. Gist of FIR: On 04/05/2023 at 17.25 hrs to the Officer In-Charge of Chatterjeehat PS received a written complaint from the complainant and perused the complaint properly. On the basis of a written complaint of the Victim Lady against one Deepak Shankar Ray and others to the effect that she was appointed as an advocate by the alleged person since month of December, 2021. The accused person was very reluctant to pay her professional fees as per norms of several Vakalatnamas executed by him in several cases. Till date the complainant owes Rs 1000000/- to the alleged person as her professional fees. But in spite of several reminders, he refused to pay her the same and threatened her with dire consequences. Thereafter on 29.04.2023 at around 20.30 hrs the alleged person came at the chamber of the complainant situated at 93 Abinash Banerjee Lane, PS-Chatterjeehat, Howrah and forcefully entered in to the chamber and committed theft in respect of some cash and mobile phone, then on being protest the alleged person outrage her female modesty and also trying to kill her by grabbing her throat. Then while the complainant felt down on the floor, the alleged person kicked in her lower private part and also forcibly inserted one of his left-hand finger at her lower private part. Over the complaint of the complainant Chatterjeehat PS Case No. 78/23 dated 04.05.2023 u/s 420/406/448/341/323/379 3548/307/376/506/34 IPC has been started.

6. Details of FIR named accused: (i) Deepak Shankar Ray(53yrs), S/O Debidas Ray of S-3, 2nd street, Sathuvachari, CMC Colony, Vellore, Tamil

Nadu- 632009 and Flat No - 303, Sailagreen, 1137 Kalikapur, Purbalok, PS Purba Jadavpur, Kolkatta- 700099 (ii) Kanad Saha- S/O Lt Kunal Saha of Block - D2, Flat No - 402, Kendriya Vihar, Phase - II, PO- Birati, Dist North 24 Prgns, Kolkata - 700051. (iii) Debidas Ray

s/o of Lt. Nagendranath Ray of S-3, 2nd street, Sathuvachari, CMC Colony, Vellore, Tamil Nadu- 632009.

7. Details of arrest: (i) Deepak Shankar Ray(53yrs), s/o Debidas Ray of S-3, 2nd street, Sathuvachari, CMC Colony, Vellore, Tamil Nadu- 632009 and Flat No - 303, Sailagreen, 1137 Kalikapur, Purbalok, PS Purba Jadavpur, Kolkatta- 700099, was arrested on 11.07.2023 and forwarded before Ld. CJM, Howrah Sadar Court on 12.07.2023. (ii) Kanad Saha - S/O Lt Kunal Saha of Block - D2, Flat No - 402, Kendriya Vihar, Phase - II, PO- Birati, Dist North 24 Prgns, Kolkata - 700051 was released on bail by Hon'ble High Court Calcutta on 21.08.2023 and Ld. CJM, Howrah Sadar Court on 25.09.23. (iii) Debidas Ray s/o of Lt. Nagendranath Ray of S-3, 2nd street, Sathuvachari, CMC Colony, Vellore, Tamil Nadu- 632009 was granted anticipatory Bail by Hon'ble High Court Calcutta on 25.09.2023.

8. Steps Taken During Investigation by the District Police:

During investigation of the case I Sudipta Kar of Chatterjeehat PS visited the place of Occurrence and prepared a details index of the PO and prepared a rough sketch map. The IO examined the complainant and others available witnesses and recorded their statement U/S 161 Cr.P.C. Medico legal examination of Victim Lady was performed by the Dr. Debhina Ghosal of Howrah District Hospital. He also arranged to record the Judicial Statement of the victim lady with the help of LSI Nitu Biswas of Howrah Women PS and produced the victim lady before the Ld Judicial Magistrate, 1st Class, 4th Court, Howrah, recorded her statement judicially U/S 164 Cr.P.C and also collected the copy of judicial statement from Ld Court, Howrah District.

Previous IO collected the medico legal report along with one sealed envelope containing one glass tube & one glass slide containing the swab/ spermatozoa from Howrah District Hospital. IO sent prayer to ACP DD, HPC for providing the CDR of the accused person's mobile number which was provided by the VG to trace them out and also prayed for IMEI searching of the complainant's mobile phone which

was taken away by the accused from the PO. In course of investigation, IO seized the wearing apparels of the victim lady which were worn by her at the time of incident and also seized the bill of the alleged mobile which was taken away by the accused and one prescription of Dr Souvik Roy who examined the victim lady after the incident. In course of investigation, IO held several raids under Purba Jadaupur PS area & Naihati PS area to arrest the accused persons but no fruitful result achieved. Then IO collected the Passport details and prayed to the concerned authority after following all legal procedures for issuing Look Out Circular' against the principal accused namely Deepak Shankar Ray on 01.07.2023 LOC was initiated by the concerned authority against the accused person. On 11.07.2023 received information that in the immigration Centre of Haridaspur under Petrapole PS, North 24 Pgs, said accused person was detained as LOC subject. IO along with force went to Haridaspur Immigration Centre and with the assistance of Petrapole PS police team, arrested the FIR named principle accused person namely Deepak Shankar Ray and brought him to PS and forwarded him before Ld. Court and took him into Police Custody for 02 days as per kind order of Ld. CJM, Howrah. During PC period after obtaining necessary orders from Ld. Court, IO produced the arrested accused person before the Superintendent of Howrah District Hospital for his medico legal examination. Dr. Chitta Ranjan Bhattacharya of Howrah District Hospital, has done the medico legal examination of the accused Deepak Shankar Ray and collected one sealed envelope containing one glass tube & one glass slide containing Urethral Swab/smears of said accused person. IO along with force and PC accused held raid to recover the alleged stolen articles and to arrest the other co accused persons, but no fruitful result was achieved. On 19.07.2023 IO sent the exhibits before Ld. C.JM. Howrah Sadar Court and collected CMR No. vide CMR No. 427/2023 dated 19.07.2023. On 31.08.2023 IO sent the exhibits to FSL Kolkata for examination and Expert Opinion. IO further

contacted with the FSL authority over phone regarding the expert opinion but informed that the expert opinion is not ready yet. IO submitted Charge Sheet vide Chatterjehat PS C.S. No- 191/23 dated- 31/10/2023 u/s 420/406/448/341/323/379/354B /307/376/506 IPC against the Principal accused person namely Deepak Shankar Ray, 53 yrs s/o Debidas Ray and u/s 509/506/34 IPC against the other 2 FIR named accused persons namely (1) Kanad Saha - S/O Lt Kunal Saha (2) Debidas Ray s/o of Lt. Nagendranath Ray and IO also submitted prayer before the Ld. Court for allowing to submit Supplementary Charge Sheet after receiving the FSL report.

9. Steps Taken During Investigation by CID W.B:

The investigation of the said case was taken up by CID W.B. as per order of **Hon'ble High Court, Calcutta vide order CRR 1023 of 2024, dt 08.04.2024** in compliance of the Order passed by Hon'ble High Court is "Quote" "Mr. Debasish Roy, learned Public Prosecutor appearing for the State submits that State would take up all the investigations for being investigated by the CID, West Bengal. However, it is the prerogative of the State at this stage as the de facto complainant has expressed her apprehension as she has complained to different dignitaries in respect of this Court.

Targeting the Courts are a soft option as has been settled in several judgments of the Hon'ble Supreme Court and Article 219 of the Constitution of India states that court of law is supposed to act without any fear or favour. A professional having claimed herself to be a victim of sexual assault has raised issues not only in respect of this Court but also in respect of four other senior Judges of this Court. There cannot be any issue regarding the Court to proceed with the present case as the only issue which was expressed is that all the cases of Chatterjeehat Police Station in between the self same parties are to be transmitted to the CID or any Women Grievance Cell connected with the CID so that under the same umbrella investigation and in respect of different cases could be conducted.

However, having regard to the attitude and approach of the de facto complainant and for preserving the sobriety of the judicial system, I intend to leave the matter to the Hon'ble Chief Justice of this Court for deciding the issue.

Let the matter go out of the list and be placed before the Hon'ble Chief Justice for assignment.

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

In respect of the said order CID WB has assumed investigation of the case vide Org No 618/CS. Dt. 06/08/24. I Inspector Swapna Ghosh, OC, POWC Cell was detailed as the Investigating officer.

During investigation, I submitted a prayer and collected the Case Docket from learned CJM, Court, Howrah on 7/05/2024. I perused the case diary and learnt that the previous I/O had submitted charge sheet with provision for submitting Supplementary Charge sheet on receipt of the FSL report. I submitted a prayer to FSL Kolkata vide memo no-79/POWC/CID WB on 14/05/2024 to hand over the FSL report and exhibits to me for the interest of investigation.

*On 22/05/2024 I received the exhibits and report from FSL Kolkata vide report no- BIO/5783/2023/3606/FSL dated 22/05/2024 and the opinion of the examination is **"Quote"** "No semen (no spermatozoon), no Gonococcus could be detected on the contents of the items marked A (vaginal swab & vaginal smears) and B (urethral swab & smears). **"Unquote."***

Hon'ble High Court Calcutta vide order dated 08.04.2024 in CRR 1023 OF 2024 had directed that all FIR's lodged against the complainants and accused persons at Chatterjeehat Police Station be investigated by CID, WB.

O/C Chatterjeehat Police Station informed that along with the current case, there are 2 (two) more cases that have been lodged against both complainant and accused i.e Chatterjeehat PS case no- 23/2024 dated-05/02/2024 u/S 341/ 323/ 325/ 326B/ 354A/ 354B/ 354/

509/ 506/34 IPC against (i) Dr. Deepak Shankar Roy s/o Dr. Debidas Roy (ii) Kanad Saha s/o Late Kunal Saha and (2) Chatterjeehat PS case no 86/2024 dated- 04/05/2024 u/s 341/363/468/420/506 IPC against Sanjukta Samanta w/o Romit Dutta.

I had sent message to the complainant through Chatterjeehat PS for meeting her in c/w the investigation of the case, this refers to org no 70/ POWC/CID WB dated 20/05/2024 and org no 73/ POWC/CID WB dated 25/05/2024 • However no response was received her till date. I also contacted with her over telephone and she told me that she don't want to meet investigation by CID, as rather she want CBI investigation.

The complainant on 20/05/2024 had filed a WP (S) (Criminal) No (S) 236/2024 before the Hon'ble Supreme Court of India. But later the complainant withdrew her petition, this refers to Order dated 03/06/2024 in WP (CL).

Later, I came to learn from Hon'ble High Court vide Order dated 1/07/2024 in c/w WPA Number 15260 of 2024 that "Quote" Let the case diary with the progress report of Chatterjeehat PS case no 78/2023 be produced before this Court as because the petitioners apprehend arrest in c/w Chatterjeehat PS case no 86/2024.

For the ends of justice the police is restrained from taking any coercive steps against the petitioner till 12th July, 2024 or until further order, which is earlier. "Unquote".

Later, I came to learn from Hon'ble High Court vide Order dated 30/07/2024 in c/w WPA Number 15260 of 2024 that "Quote" Petitioner No. 1 appears in-person and prays for release of the matter. Let this matter be released and placed before the Hon'ble the Chief Justice for appropriate assignment. "Unquote".

In course of investigation, it is necessary to examine the complainant for which I have communicated with her over the telecommunication of CID West Bengal vide org no-144/ POWC dated 25/11/24.

Reason for pending of investigation

Investigation is almost complete and will end in submission of supplementary charge sheet.

The Investigation is pending as the complainant is not cooperating with the investigation. During investigation several messages were sent to the complainant but she did not respond. As per latest status dated 25/11/24 message was sent to the petitioner whose response was received by me vide Chatterjeehat PS org no – CHT/9033/24 which was serviced dated 27/11/2024. Chatterjeehat PS. Received the following response in writing against the above petition from the complainant
Quote “strongly objected to matter pending for challenging the false FIR filed & counter case to harass me”. Unquote.

This is submitted for your kind perusal.”

44. In compliance with the order dated 18.11.2024 of this Court, the report of the Learned Public Prosecutor stated as follows:-

“The petitioner has initiated multiple proceedings before this Hon'ble Court, asserting various grievances. Her claims are diverse, yet a recurring theme is her assertion that the investigating agency has failed to conduct its investigation impartially, thereby causing her significant injustice. She has gone further to allege that the opposing party is being supported by state machinery. According to her, the advocates representing the state, acting in collusion, have sought to suppress her voice and prevent her from receiving a fair hearing.

The petitioner's conduct has been noted on numerous occasions, and there have been several instances where her matters have been released by the Hon'ble Justices of this Court. In WPA 23711/2023, by an order dated October 3, 2023, Hon'ble Justice Jay Sengupta observed the petitioner's belligerent demeanor and subsequently released the matter. Similarly, in CRR 1023/2024, by an order dated April 8, 2024, Hon'ble Justice Tirthankar Ghosh reflected upon the petitioner's attitude, noting her conduct as targeting the sanctity of the judicial system, and consequently released the matter. This matter

was earlier released by Hon'ble Justice Tirthankar Ghosh on April 4, 2024.

In WPA 15260 of 2024, the petitioner herself sought the release of the matter before Hon'ble Justice Rajarshi Bharadwaj, as indicated in the order dated July 30, 2024. Subsequently, by an order dated August 5, 2024, Hon'ble Justice Amrita Sinha released the same matter, attributing the decision to the petitioner's unruly behaviour during the proceedings. The petitioner has also alleged that during the hearing of the Sandeshkhali matter, WPA(P) 78/2024, she was subjected to abuse and threats by state advocates, which she claims were motivated by her political affiliations.

It is pertinent to mention herein that the aforesaid allegations have found place in the Special Leave Petition filed by the Writ Petitioner herein before the Hon'ble Supreme Court of India vide Writ Petition (Criminal) No 236/2024.

The petitioner has consistently expressed distrust in the police officials involved in the investigations of her matters. She alleges that these officials are influenced and biased, undermining her confidence in the fairness of the ongoing investigations.

Under such circumstances, I was constrained to direct the CID to take up the investigation of the cases filed by the instant writ petitioner as well as the case filed against her to ensure neutral investigation devoid of any blemish, as alleged by her.

The petitioner's allegations, demeanor, and conduct across various proceedings have drawn attention and have been noted by various benches this Hon'ble Court. These observations reflect a pattern of dissatisfaction on the part of the petitioner with the judicial and investigative processes, alongside allegations of undue influence and partiality.

It is however, necessary to bring to the notice of this Hon'ble Court that the Writ petitioner has consistently refrained from co operating with the CID to get her statement recorded or for any other purpose, as

required by the Investigating Agency thus rendering them incapable of continuation and/or completion of the investigation of the cases instituted by the instant writ petitioner.

This report has been prepared in pursuance to paragraph no. 5 of the order dated November 18, 2024 passed by Her Ladyship Hon'ble Justice Ananya Bandyopadhyay."

45. The petitioner no.1 appearing before the Court submitted her plight, agony and helplessness being subjected to physical molestation, outrage of modesty, theft of mobile and cash sum of Rs.65,000/- on the part of respondent no.13 and his associates and non-payment of professional fees. The petitioner no.1 submitted her associates. The petitioner no.1 submitted her lawyer's chamber to have been impaired and damaged by the respondent no.13 and his associates with continuous threat to both the petitioners and their family members disrupting mental peace causing physical trauma and being indignified with insinuations and ignominies. Both the petitioners could not repose faith and trust on the investigating agencies whose actions had been suspiciously frustrating to deliberately deprive the petitioners of fair justice.
46. The respondent no.13 filed a complaint dated 28th April, 2024 accusing the petitioners of abduction, extortion, physical assault, threat to murder, defamation, confiscation of passport, ATM card and other official documents, perjury, forgery implicating in false and fabricated criminal cases to extort money etc. which had been serious allegations.
47. The serious allegations by the petitioners the counter allegations resulting in the institution of the aforementioned criminal cases being registered through formal FIRs had been challenged through filing of Criminal Revisional

Applications pending before the co-ordinate bench of this Court for quashing of the proceedings/FIRs being Nos. Chatterjeehat Police Station Case No.86 of 2024 and No.78 of 2023.

48. The allegations of the petitioner no.1 are indubitably grave and deprecated in nature which can only be tested in terms of its veracity through trial to inculcate the perpetrator. Contrarily the allegations of the respondent no.13 whether to have been genuine or a counterblast to the allegations of the petitioners cannot be decided unless the investigation of the respective cases are concluded and the process of trial being conducted by the court of competent jurisdiction to arrive at a conclusive determination for incrimination or exculpation.
49. A web-search on the query as to who decides to provide security to private individual in India and on what ground, the following answer has been received by this Court:-

“The Ministry of Home Affairs (MHA), on the recommendation of intelligence agencies, decides to provide security to private individuals in India, based on perceived threats to life or injury from groups or terrorists. While government officials typically receive security based on their position, a call on security for private citizens is made by the MHA using information from bodies like the Intelligence Bureau (IB) and Research and Analysis Wing (R&AW). The Central Reserve Police Force (CRPF) and other forces then provide this security.

The Process

- 1) Intelligence Gathering: Intelligence Agencies like the IB and R&AW monitor potential threats and gather information from various*

sources, including phone intercepts, human intelligence, and threat analysis.

2) Threat Assessment: These agencies provide a subjective assessment of the threat to an individual's life or safety from potential attackers like terrorists or other groups.

3) Decision by the MHA: The Ministry of Home Affairs (MHA) reviews the intelligence inputs and decides whether a private individual requires security cover.

4) Deployment of Forces: If security is granted, a central agency, often the Central Reserve Police Force (CRPF), is tasked with providing the security.

50. The petitioners herein despite the order of the Hon'ble Single Bench of this Court in WPA 23711 of 2023 and the Hon'ble Division Bench in MAT 831 of 2024 presiding over by the Hon'ble Chief Justice, High Court at Calcutta, having directed to file complaints at the concerned police station for being threatened as claimed by the petitioners reiterated by this Court during consecutive hearings failed to provide the copy of the complaint or the G.D. Entry number concerning such complaints claimed to have been lodged by the petitioners.

51. Considering the role of the Ministry of Home Affairs and the submissions of the Learned Advocate representing the respondent no.1 and 2 Union of India, the prayer of the petitioner for providing personal security on the ground of their perception cannot be allowed. The petitioners could not establish a case serious and strong enough to be granted protection as sought for which otherwise had to be decided by the Ministry of Home Affairs on the basis of imminent and persistent threat. The petitioners could not justify inaction on the part of the police administration or the investigating

agency, however, claimed the same to be biased and revengetic in its attitude towards the petitioners primarily petitioner no.1 for her active role against the State administration defending injustice to women's rights concerning an unfortunate event at Sandeshkhali through a Public Interest Litigation.

52. The status report of the Learned Public Prosecutor as aforesaid explaining the course of investigation did not endorse police inaction.

53. Vide Order dated 08.07.2024, the Co-Ordinate Bench of this Court in WPA 15260 of 2024 observed as follows:-

“As per the request of the petitioners, the live streaming has been paused.

Learned advocate representing the State respondents submits, upon instruction that, the petitioners are not cooperating with the police in the process of investigation.

From the documents handed over by the learned advocate representing the State respondents it appears that, after protection was granted to the petitioners vide the order passed by this Court on 1st July, 2024, no notice was served upon the petitioners directing their appearance for investigation.

The respondents are directed to proceed with the investigation but not take any coercive steps against the petitioners without the leave of the Court.

The petitioners and all other parties are directed to cooperate with the police for the sake of investigation.

List on 12th August, 2024.

Liberty to mention.

Report dated 08.07.2024 be kept with the records.”

54. The petitioners despite an order passed by the Co-Ordinate Bench of this Court to co-operate in the investigation refrained from participating in the investigation as claimed by the Learned Advocate representing the State

respondents suspecting the Investigating Officers and accusing them of arbitrary, biasedness being capricious and revengeful. The Co-Ordinate Bench of this Court directed the investigating agency not to take any coercive steps against the petitioners. Despite such an order, the petitioners denied to co-operate with the investigating agency as had been stated in the report filed by the Learned Public Prosecutor as aforesaid.

55. The Learned Public Prosecutor on an explanation sought by this Court for transferring the case of investigation to the CID, West Bengal anxiously stated for the purpose of an impartial and unbiased investigation, the same had been entrusted to the CID, West Bengal conforming to the police regulations stated as follows:-

“II.- Control and assistance in enquiries and investigations.

....

618. Method of assuming control.

(a) The Deputy Inspector-General, Criminal Investigation. Department, may assume control Of an enquiry or investigation at any stage. On assuming control he shall inform the Deputy Inspector-General of the Range forthwith, sending a copy Of his intimation direct to the Superintendent Or Superintendents concerned.

(b) In excise cases in which the investigation must extend to more than one district, or in which there are intricacies which cannot be dealt with without the aid of a specially skilled detective, the services of an officer of the Criminal Investigation Department, shall be requisitioned by the Commissioner of Excise. In emergencies such requisition may also be made by an officer of lower rank. The Deputy Inspector-General, Criminal Investigation Department, shall, if he thinks fit and if he has an officer available, depute one and also decide whether the officer deputed shall be placed at the disposal of the Commissioner of Excise

or whether the control of the enquiry shall be taken over by the Criminal Investigation Department.”

56. It was further submitted several Judges of this Hon'ble High Court had been accused along with the police officers and the Learned Public Prosecutor himself which compelled him to transfer the responsibilities of conducting investigation on the CID, State of West Bengal without any other alternative or option being third party to conduct the investigation independently without the involvement of the police officers of the concerned police station against whose conduct several objections had been raised by the petitioners.
57. The status report filed by the Learned Public Prosecutor as aforesaid did not reveal police inaction to the detriment of the petitioners' interest. The petitioners had filed a transfer petition before the Hon'ble Supreme Court of India being Transfer Petitions Criminal No.701/702 of 2024 being Sanjukta Samanta vs. the State of West Bengal and Ors. etc. whereby the petitioners appeared in person. The Hon'ble Supreme Court vide order dated 02.09.2024 observed: *“No case for transfer is made out. The transfer petitions are dismissed.”*
58. The petitioners, therefore, cannot refuse to participate in the investigation violating the order passed by the Co-Ordinate Bench of this Court on 08.07.2024 in WPA 15260 of 2024. Both the parties have filed criminal revisional applications before the Co-Ordinate Bench of this Court, the criminal revisional applications being CRR 1023 of 2024 and CRR 3203 of 2023. The petitioners as well as the respondent no.13 have availed the jurisdiction to redress their grievances in an alternative form under Section 482 of the Code of Criminal Procedure. The petitioner no.1 being a

complainant in connection with Chatterjeehat Police Station Case No.78 of 2023 filed under Sections 420/406/448/341/323/379/354B/307/376/506/34 sought for stay of the investigation in the said case further seeking the investigation to be conducted by the State respondent no.4 whose actions had been challenged by the petitioners to be against her interest intending to deprive her of fair trial and natural justice.

59. In the case of ***State of Haryana and Others Vs. Bhajanlal and Others***¹, the Hon'ble Supreme Court observed as follows:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section

¹ 1992 Supp (1) Supreme Court Cases 335

156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

60. Since the contents of the FIR as well as the charge-sheet claimed to have been filed by the investigating agency as per the report filed by the Learned Public Prosecutor in Case No.78 of 2023 and the complaint as well as the FIR in Case No.86 of 2024 to have revealed allegations of cognizable offences in both the aforesaid cases, this Court is not inclined to stay the further proceedings in the aforesaid cases.

61. The petitioners being young, responsible and bright advocates practising in this Hon'ble Court as well as in the Supreme Court, out of shock and displeasure probably by the turn of events cannot trust the investigating agencies at the moment perhaps due to mental agony. One has to confide in the prevailing justice delivery system to attain a finality to a dispute which definitely can be assailed at a Higher Forum statutorily. The petitioners did not appear before this Court on the dates fixed for hearing as reflected in the order-sheets of the instant writ petition and the case was reserved for judgment on 17.02.2025. Subsequently the petitioners filed several CAN applications in the Court and directly addressed the same in the name of the presiding judge of this Court as would be evident from the postal envelopes on record. Considering the context of the CAN applications, this Court thought it prudent to grant a further opportunity to the petitioners to address this Court for a final hearing and recalled the order dated 17.02.2025 on 16.05.2025, fixing the next date of hearing on 11.07.2025. The petitioner no.2 appeared online only to contradict the court proceedings without submissions on merits. Finally on 11.07.2025 the instant writ petition was reserved for pronouncing judgment.
62. The contention of the petitioner no.1 to have been a victim of rape and her name and presence to be masked is contrary to the cause title of the instant writ petition where the name of the petitioner no.1 had been mentioned by herself conspicuously claiming the relief sought for revealing her identity for quashing of the aforesaid Chatterjeehat Police Station Case No.86 of 2024 dated 04.05.2024 under Sections 341/365/468/420/506/34 of the Indian

Penal Code. The petitioner no.1 appeared before the Hon'ble Supreme Court in person to move the Transfer Petition as aforesaid without seeking her presence to be masked as the same would not transpire from the order of the Hon'ble Supreme Court. The petitioners did not appear before the Court on the dates fixed for hearing and subsequently could not blame this Court for not granting them an opportunity of hearing. This Court did hear the submissions of the petitioners on earlier dates and recorded the same in the order-sheets as well as in the instant judgment.

63. Moreover, the petitioners as well as the respondent no.13 have already sought for relief of quashing the proceedings of the criminal cases instituted against each other under Section 482 of the Code of Criminal Procedure as stated above before the Co-Ordinate Benches of this Court. The allegations and counter-allegations in the complaints do not reveal the same to be *prima facie* frivolous which are in the facts and circumstances of the case serious in nature with grave implications and ramifications.

64. The Writ Court can quash the criminal proceedings if the same has been frivolously instituted, however, in the instant case, the gamut of allegations and counter-allegations are complex in terms of severity necessitating to unravel the authenticity and credibility of the same which in the facts and circumstances of the instant writ petition shall be subjected to the process of trial by the competent Court.

65. In view of the above discussions, the instant writ petition being WPA No.15260 of 2024 along with its connected CAN applications stand dismissed.

66. There is no order as to costs.

67. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)