

18.08.2025
Court No. 35
D/L. No.16
Rakib

W.P.A. 18036 of 2025

**XXX
VS
The State of West Bengal & Ors.**

Mr. Pradip Kumar Kundu
Mr. Pratik Basu
Mr. Shashwata Sadhukhan
...for the Petitioner.
Mr. Suman Sengupta, Sr. Govt. Adv,
Mr. Sambuddha Dutta
...for the State.

Petitioner is aggrieved by the fact that the police authorities refused to register any FIR in spite of specific accusations being made and cognizable offences surfacing in the information itself. Such information according to the petitioner was dated 27.03.2025 and by way of postal service the same was served in the month of April, 2025. In spite of receipt of such information the police authorities very recently have registered a case on or about 13.08.2025.

State has submitted a report, the same is enclosed with the formal FIR which reflects that case has been registered under the relevant provisions of BNS and the POCSO Act.

Having considered that the police authorities have already registered a case and the present grievance of the petitioner relates to entering the residence as well as the delay in registration of the FIR. For delaying of registration of the FIR the penal provisions which are available under the relevant statutes be invoked by the

petitioner, so far as the issue of entering residence steps be taken before the learned jurisdictional Court in accordance with law.

Such a right for residence is vested under the provisions of the PWDV Act, petitioner would approach the concerned jurisdictional Court for necessary remedies which the learned Magistrate being the jurisdictional Court will deal with the same by adhering to the provisions of law.

With the aforesaid observations WPA 18036 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.)