

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

Present:

The Hon'ble Justice Tirthankar Ghosh

W.P.A. 20175 of 2025

***Pritam Nandi
versus
The State of West Bengal & Ors.***

For the Petitioner : Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Rajashree Tah,
Ms. Aishwarya Datta,
Ms. Bidisha Chakraborty.

For the State-respondents : Mr. Rajarshi Basu,
Mr. K. M. Hossain.

Heard On : 03.09.2025.

Judgement On : 03.09.2025.

Tirthankar Ghosh, J. :

The petitioner has preferred the present writ petition praying for the following reliefs :

“b) Issue a writ of or in the nature of mandamus to quash, set aside, rescind the First Information Report and proceeding of GR Case No. 3173 of 2025 in connection with Galsi Police Station case No. 404 of 2025 dated June 27, 2025 under section 85/80(2)/3(5) of Bharatiya Nyaya Sanhita and under sections 3/4 of The Dowry

Prohibition Act pending before the Chief Judicial Magistrate, Purba Bardhaman;

c) Issue a writ of or in the nature of mandamus respondents commanding particularly the respondent no.3 take immediate steps to provide protection to the petitioner and his family (father, mother and sister), so that they could reside peacefully without any hindrance of the private respondent at Chandul, Kurmuna, Police Station. Galsi, District Purba Bardhaman, Pin-713141;

d) Issue a writ of or in the nature of mandamus directing the Respondents to refrain from taking any further coercive action against the petitioner and his family members in connection with the Galsi Police Station case No. 404 of 2025 dated June 27, 2025 under section 85/80(2)/3(5) of Bharatiya Nyaya Sanhita and under sections 3/4 of Dowry Prohibition Act pending before the Chief Judicial Magistrate, Purba Bardhaman;

e) Issue a writ in the nature of Certiorari directing the respondents and/or their men, agents or subordinates to transmit all relevant records pertaining to this case before the Hon'ble Court so that conscionable justice may be done after perusing the same;

f) Pass an interim order directing the respondent no. 4 herein Investigating officer to not take any coercive action against the

petitioner and his family members in connection with the Galsi Police Station case No. 404 of 2025 dated June 27, 2025 under section 85/80(2)/3(5) of Bharatiya Nyaya Sanhita and under sections 3/4 of Dowry Prohibition Act pending before the Chief Judicial Magistrate, Purba Bardhaman.”

Petitioner complains that a case being Galsi P.S. Case No. 684 of 2024 dated 23.10.2024 was registered under Sections 137(2)/49 of BNS at the behest of the father of the victim girl for kidnapping his daughter. There was an affidavit filed by the victim at that stage and after investigation, police authorities arrived at their findings thereby concluding by submission of final report as ‘mistake of fact’. Such report was submitted on 22.03.2025.

Subsequently the said victim girl viz., Sultana Parvin allegedly committed suicide, according to the petitioner and on the information submitted, a case was registered being Galsi P.S. Case No. 403 of 2025 dated 27.06.2025. Thereafter again on the same date, Sk. Samsuddin Ahmed being the father of the victim girl, viz. Sultana Parvin lodged a complaint on issues relating to demand of dowry and dowry death and Galsi P.S. Case No. 404 of 2025 dated 27.06.2025 was registered for investigation under Sections 85/80(2)/3(5) of BNS and Sections 3/4 of D. P. Act.

Learned advocate appearing for the petitioner submits that a dying declaration was seized which do exonerate the in-laws and the inmates of the matrimonial home. Petitioner insists that the father has falsely lodged the instant complaint against the present petitioner accusing of dowry death and the said case is not tenable in the eye of law because of the series of events. It has been complained that the petitioner and his family members had to flee away because of the torture and the protest of the local people.

State has submitted a report which encloses *post mortem* report, seizure list as also the order dated 22.07.2025 passed in Criminal Misc. Case No. 1219 of 2025 wherein anticipatory bail of the present petitioner was rejected by the learned Sessions Judge, Purba Bardhaman.

Be that as it may, the incident relating to the death of the victim girl occurred within a period of eight months of marriage. Whether the subject-matter involves involvement of the local villagers or is a consequence of torture inflicted for further demand of dowry, is a question of fact to be decided in course of investigation of the case. The case was registered and investigation commenced in the last week of June, 2025.

Petitioner has already approached the sessions court for anticipatory bail. So far as the prayers in the present writ petition are concerned, the same relate to both for quashing of the proceedings

relating to Galsi P.S. Case No. 404 of 2025 dated 27.06.2025 and also for refraining from taking any coercive action.

As the anticipatory bail prayer of the petitioner has been rejected, I am of the view that it would not be desirable to hold or curtail the powers of the investigating agency relating to custodial interrogation.

So far as the issue relating to quashing is concerned, having considered the time period within which the victim had to terminate her life, I am of the opinion that investigation is called for in connection with the present case for unearthing the truth and arrive at its independent finding.

Learned advocate appearing for the petitioner submits that the petitioner is unable to stay at his home. So far as the said prayer is concerned, I do not find that any representation has been made to the police authorities.

Petitioner or his family members, if they feel insecure, they can file representation before the police authorities. Police authorities would be at liberty to take steps in consonance with the provisions of law. However, the same will not preclude the police authorities from taking any steps in connection with the criminal cases which are pending.

Learned advocate for the petitioner by relying upon a judgement of the Hon'ble Supreme Court in *Lata Singh Vs. State of U.P. and another* reported in (2006) 5 Supreme Court Cases 475 tried to impress upon the

Court regarding the interreligious marriage. However, the said case/issue was considered at a stage after the charge-sheet was submitted and the case was committed to the court of sessions. Here, we are at a stage when the investigation of the case is in progress and the same obviously requires unveiling the truth.

In view of the prayers relating to interference in connection with Galsi P.S. Case No. 404 of 2025 so advanced by the petitioner, I am not inclined to interfere with the same.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

Accordingly, the writ petition being WPA 20175 of 2025 is dismissed.

There will be no order as to costs.

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 judgement, if applied for, be given to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)