

16.10.2025

Court No.5

DL/Item No.-10

[Milan]

**IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side**

WPA 24010 of 2025

**Smt. Ananya Dasgupta & Anr.
versus
The State of West Bengal & Ors.**

Mr. Arkadyuti Pahari,
Ms. Gargi Maity,
Mr. Alik Mandi

....for the Petitioners

Mr. Kalyan Bandyopadhyay, Sr. Adv.,
Mr. Mir Anuruzzaman,
Mr. Ratna Das,

....for the State

Mr. Debarshi Brahma,
Mr. Subarna Bank,
Mr. Ronit Naskar

....for the Respondent No.4 & 5

1. The report filed by the State be kept with the record.
2. Vakalatnama be filed by the respondents be kept with the record.
3. The writ petitioners file the instant writ petition praying, inter alia, the following reliefs:-

a) A writ of and/or in the nature of mandamus, commanding/directing the to take respondent authorities cognizance of the complaints lodged by the petitioners and take necessary actions in accordance with the provisions laid by the law of the land and bring the culprits to book, so as such ensure that the petitioners can live peacefully in their own house without any nuisance and annoyance at the behest of the private respondents.

- b) *A writ of and/or in the nature of mandamus, commanding/directing the respondent authorities that is the Deputy Commissioner of Police, South East Division to take necessary actions against respondent No. 3 that is Officer-in-Charge, Rabindra Sarobar P.S. due to the non-taking of any steps regarding numerous the representations made for violation of the Code of Criminal Procedure presently Bharatiya Nagarik Suraksha Sanhita, Indian Penal Code, 1860 Bharatiya Nyaya Sanhita, Police Act, 1861, Police Rule Book.*
- c) *A writ of and/or in the nature of mandamus, commanding/directing the respondent authorities their men, agents, and subordinates to ensure the protection of life, liberty, and property of the petitioners and to further ensure so that the petitioners can live peacefully in their own property with safety, security, and dignity without any sort of hindrance from the part of the private respondents, their musclemen, agents, anti-social elements and musclemen.*
- d) *A writ of and/or in the nature of mandamus, commanding/directing the respondent authorities, and their men, agents, and subordinates to provide all necessary protection to the petitioners and their family members so that they can live peacefully as such roam freely in the town without any hindrance, harassment and interference.*
- e) *A writ of and/or in the nature of prohibition, commanding/directing the respondent authorities and their men, agents, and subordinates from initiating any counter proceedings qua the petitioners without conducting any preliminary enquiry.*
- f) *A writ of mandamus in the nature of certiorari directing the respondent authorities to certify and*

produce all original documents relating to the case so that conscionable justice may be done.

g) Upon hearing of the cause, if any, shown, and if no cause is shown to make the rule absolute.

h) Rule NISI in terms of the prayer (a) to (g).

i) Ad-interim order in terms of the prayers made above.

j) Costs.

k) Any other order or orders as your Lordship may deem fit and proper for the interest of justice.

4. The main grievance of the writ petitioners is that the complaint, which was lodged by the petitioners before the Officer-in-Charge of Rabindra Sarabor Police Station, Kolkata on 03.07.2025 has not been registered and treated as First Information Report (in short, "FIR").
5. The learned advocate for the respondents submits that on earlier occasion i.e. on 23.06.2025 an FIR vide Rabindra Sarobar P.S Case no.78 was registered and initiated.
6. The State-respondent files a report which is taken on record wherein it states that on the basis of FIR dated 23.06.2025, the concerned police station in respect of P.S. Case No.78 dated 23.06.2025 under Sections 126(2)/115(2)/31592)/54 of Bharatiya Nyaya Sanhita (in short, "BNS") it is recorded that the accused persons including the private respondents have already surrendered during the course of investigation before the learned Court of

Chief Judicial Magistrate, Alipore on 05.07.2025 and subsequently the learned Court of CJM, Alipore was pleaded to enlarge them on bail till 03.11.2025.

7. The investigation of the case has already been completed and a prima facie case has been established against the accused persons including the private respondents.
8. The final report (charge sheet) has already been submitted before the learned Court of CJM, Alipore on 22.08.2025 to start for trial and judicial findings.
9. After hearing the rival contentions of the parties and perusing the materials available on record, I am of the considered view that though the earlier complaint dated 23.06.2025 has been taken into cognizance and a trial has commenced but still the petitioners, being aggrieved and victim of such situation mentioned in the writ petition, further files and lodged a complaint before the concerned police station on 03.07.2025 which has not been registered and treated as an FIR.
10. It is trite law that each case for complaint, separate proceedings should be initiated by competent Court of law in accordance with law.
11. The Officer-in-Charge of Rabindra Sarabor Police Station/State-respondent is directed to treat the same as an FIR and initiate necessary actions in accordance with law against the private respondents as expeditiously as possible.

12. From the submissions, it appears that there is an element of civil disputes arising from a family vendetta, if possible, the same should be resolved through mediation.
13. If the parties are adidem, then the same can be sent to the mediation centre through the Learned Registrar General for sending the file to the mediation centre for redressal of the family disputes.
14. Accordingly, this writ petition being WPA 24010 of 2025 is disposed of.
15. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities
16. A copy of the said order shall be served upon the Learned Registrar General for taking necessary action.

(Smita Das De, J.)