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jdt. 09.02.2026
jb.

WPA 1469 of 2026
(Smt. Simran Khatun vs. State of West Bengal & Ors.)

Mr. K. M. Hossain
Ms. Keya Sutradhar
Kaji A. Ali
Mr. Mayukh Saha
.... For the Petitioner
Mr. Susovan Sengupta
Mr. Sanatan Panja
.... For the State

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

None appears for the private respondents despite service.

Learned counsel for the petitioner submits that talaq has been pronounced against the petitioner by the 6th respondent in violation of the provision laid down under the Muslim Woman (Protection of Rights and Marriage) Act, 2019. The petitioner lodged a complaint in this regard before the police authority pursuant to which FIR has been registered only under Sections 498A/34 of the Indian Penal Code.

Learned counsel for the State submits that the nomenclature of the provisions of law is immaterial. Investigation is in progress and the statement of the complainant under Section 183 of the BNSS shall be recorded soon.

It appears from the complaint that the petitioner is primarily aggrieved by the pronouncement of talaq by the 6th respondent in violation of the 2019 Act. Surprisingly provisions under the said Act have not found place in the FIR

registered pursuant to the said complaint. It is needless to mention that if the provisions of law under which the FIR is registered is not in terms of the complaint lodged by the petitioner, the investigation would not proceed in the right direction.

In view of the above, the investigating officer is directed to take note of the contention of the petitioner in the complaint and invoke the relevant provisions under the Act of 2019. He is further directed to conduct the investigation in terms thereof in a fair and unbiased manner and take the same to its logical conclusion in accordance with law.

In the meantime, the police authority shall keep strict vigil at the locale and provide necessary assistance/protection to the petitioner as and when sought.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)