

Item-
12. 17-02-2026

WPA 3396 of 2026

sg Ct. 19

XXX & Ors.
Versus
The State of West Bengal & Ors.

Mr. Dhiraj Kumar Trivedi, Sr. Adv.
Mr. Pradip Kundu
Ms. Divyanshi Shaw

...for the petitioners

Mr. Suman Sengupta
Mr. Biswa Nath Samanta

...for the State

The petitioners have prayed for a direction upon the respondent Police Authorities to provide appropriate protection to the victim and her family members from the continuous threat to their lives at the instance of the private respondents and to direct an impartial investigation to be carried out in connection with the FIR registered on the basis of the complaint lodged by the petitioners.

The petitioners allege that, on 1st February, 2026 at about 2:45 p.m. when the victim left the home, she was kidnapped by the private respondents. On 2nd February, 2026, the victim and her father lodged a complaint with the Officer-in-Charge of the Budge Budge Police Station narrating the incident that allegedly took place on 1st February, 2026. Initially, the same was registered vide Budge Budge PS GDE no. 71 dated 2nd February, 2026. On 3rd February, 2026, the mother of the victim lodged another complaint and thereafter the FIR was registered on 3rd February, 2026.

Mr. Trivedi, learned Senior Advocate, appearing for the petitioners, submits that at the time when the victim along

with her father went to the Budge Budge Police Station to lodge a complaint, the accused was present in the said Police Station but the authorities of the Budge Budge Police Station did not take any steps to apprehend the accused at that relevant point of time even after the petitioners lodged the complaint. He further submits that though the complaint was lodged by the victim and her family member disclosing various cognizable offences of grave nature but in the FIR, offences of minor nature was taken note of, for which the accused could get an order for grant of bail in his favour without any stringent conditions being imposed upon him.

He further submits that considering the nature of the allegations made in the complaint, a lady Police Officer ought to have been entrusted with the duties of an Investigating Officer. Mr. Trivedi submits that no lady Police Officer has been engaged as an Investigating Officer in the case on hand. He further submits that the petitioners apprehended that fair and impartial investigation will not be conducted in the case on hand. Mr. Trivedi further submits that the victim and her family members are receiving continuous threat from the accused which prompted the victim to move away from her residence at Budge Budge and presently she is compelled to reside in a relative's house at Liluah. He prays that the investigation of the instant case may be handed over to an impartial agency.

Mr. Sengupta, learned Senior Government Advocate, disputes the submission of Mr. Trivedi. He submits that, considering the nature of the allegations made in the

complaint, the earlier Investigating Officer has been changed and presently, a lady Police Officer, namely, Rittika Kundu of Budge Budge Police Station has been entrusted with the duties of an Investigating Officer in order to ensure an expeditious and continuous investigation of Budge Budge Police Station Case No. 36/2026 dated 3rd February, 2026. Mr. Sengupta further submits that, in case the petitioners face any difficult and/or any threat from the accused, it will be open to the petitioners to approach the Investigating Officer or any authorities of the Budge Budge Police Station and upon such approach being made, necessary steps shall be taken in order to ensure protection to the lives and properties of the victim and her family members.

Heard the learned Advocates for the respective parties and perused the materials placed.

The petitioners claim that the victim is presently residing in a relative's house at Liluah and is desirous of returning to her own residence at Budge Budge if necessary steps are taken to protect her life and property. In case, the victim desires to return to her residence at Budge Budge, an intimation to that effect shall be given to the Officer/Inspector-in-Charge of the Budge Budge Police Station and upon such intimation being received, the Officer/Inspector-in-Charge of the Budge Budge Police Station shall keep a sharp vigil at the locale and take immediate steps to protect the lives and properties of the victim and/or her family members.

Since a lady police officer has now been entrusted

with the duties of the Investigating Officer, further direction in that regard is not called for at this stage.

Considering the nature of the allegations made in the complaint, this Court directs that the Superintendent of Police, Diamond Harbour Police District, shall supervise the entire investigation and in case the victim and her family members face any difficulty in the investigation or threat to the life and property of the petitioner, it will be open to the victim to approach the Superintendent of Police and if such an approach is made, the Superintendent of Police shall take necessary steps including the change of the Investigating Officer, if necessary.

Needless to mention that the investigation should be carried out in a fair and impartial manner. Fair and impartial investigation is of utmost importance as it builds up confidence in the mind of the victim and the public at large.

The entire investigation shall be concluded as expeditiously as possible and within the time frame as indicated in the relevant statute.

Insofar as the allegation of the petitioners that the appropriate offences have not been included in the First Information Report, it will be open to the petitioners to approach the jurisdictional Magistrate for such purpose.

It will be open to the petitioners to take appropriate steps in accordance with law if the petitioners are aggrieved by the order granting bail in favour of the accused.

With the above observations and directions, the writ petition stands disposed of.

The report of the Inspector-in-Charge of Budge Budge PS dated 17th February, 2026 filed in Court is taken on record.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)