

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 12430 OF 2026

MOUSUMI MANDAL

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Sourodeep Singha, Adv.
...For the Petitioner

Mr. Suryaneel Das, AGP
Ms. Suchitra Sinha Chatterjee, Adv.
Mr. Bhaskar Bhattacharyya, Adv.
...For the State

Mr. Imdadul Biswas, Adv.
Mr. Umeneen Khan, Adv.
...For the Respondent No.5

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and respondent no.5
3. It is submitted by the learned advocate representing the petitioner that using caste based expletives petitioner was humiliated by the respondent no.5 causing filing of complaint dated 16th April, 2026 before the concerned police authority.
4. Prayer is made in this writ petition for initiating criminal prosecution against the respondent no.5 by registering FIR.
5. Learned advocate representing the respondent no.5 submits that respondent no.5 is one of the witnesses in Malda P.S. Case No.28 of 2024 dated 16th January, 2024, which was initiated under certain provisions of IPC read with Sections 8/12 of POCSO Act. It is further submitted that accused in the aforesaid POCSO case is petitioner's husband against whom

apart from said POCSO case seven other criminal prosecutions are pending.

6. In support of such contention, reliance is placed on order dated 11th April, 2025 passed by a co-ordinate Bench on a writ petition being WPA 4226 of 2025 preferred by the present petitioner. Copy of the said order dated 11th April, 2025 is placed before this Court and same is taken on record.
7. On perusal of the order dated 11th April, 2025, it appears that previously one writ petition was filed by husband of the petitioner being WPA 2827 of 2025 against the Inspector-in-Charge, Malda Police Station and subsequently, WPA 4226 of 2025 was filed by the present petitioner which was also directed against the same police authority.
8. It was also recorded in the order dated 11th April, 2025 that in connection with another criminal prosecution being Nagri (Jharkhand) P.S. Case No.213 of 2024, husband of the petitioner was taken into custody.
9. Surprisingly, these facts, which are narrated in the order dated 11th April, 2025, are not disclosed in the present writ petition.
10. Moreover, from the order dated 11th April, 2025, it appears co-ordinate Bench granted liberty to the petitioner to approach the jurisdictional Special Court considering the similar allegations made in WPA 2827 of 2025.
11. Taking note of the order passed by the co-ordinate Bench on 11th April, 2025 and as it appears that similar accusations are made in the present writ petition against the respondent no.5, liberty is

granted to the petitioner to approach the jurisdictional Special Court, if so advised.

12. Writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)