

29.01.2026
rc/ct.no.05
Item No.12

WPA No. 13406 of 2024
Amita Dey
Versus
The State of West Bengal & Ors.

Mr. Rajendra Banerjee
Mr. S. Ganguly ..for the Petitioner

Mr. Tarak Karan ...for the State

Mr. Sabir Ahmed
Mr. Ahraman Sarkar
Mr. Dhiman Banerjee
Mr. Quazi Ezaz Ahmed
Mr. Dilwar Azad ..for the private respondents

Report submitted by the State is taken on record.

The petitioner's son suffered an unnatural death. The post mortem report suggests that the death was due to effect of cerebral congestion and asphyxia in a case of ante-mortem hanging. The petitioner alleges foul play by the friends with whom the victim was residing in his last days.

Learned counsel for the petitioner submits that the consent of the parents of the victim was not taken prior to holding the post mortem examination. The complaint was registered only on April 18, 2024 though the incident occurred on April 13, 2024. Several bruise marks were found in the person of the victim indicating torture.

Learned counsel for the private respondents submits that the private respondents are close friends of the deceased and used to reside together in the same house. They have taken the initiative to support the parents of the deceased and take necessary steps for cremation, post mortem, etc. of the deceased after the incident.

The report submitted by the State is comprehensive and demonstrates every aspect of the investigation conducted.

Learned counsel for the State has placed reliance in the authority in Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors. reported in (2016) 6 Supreme Court Cases, 277 wherein the Hon'ble Supreme Court has observed that in the event the complaint is not registered or investigation is not conducted properly, the aggrieved person should approach the Magistrate concerned under Section 156(3) of the Code of Criminal Procedure and not the High Court.

In view of the fact that investigation of the case has been conducted in a fair and transparent manner and this Court does not find any reason to doubt the veracity or genuineness of the same, the Investigating Officer is at liberty to submit his report upon completion of investigation. In the event the petitioner is aggrieved by such report, she shall be at liberty to

approach the jurisdictional Magistrate for redressal of her grievance.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)