

WPA 13172 of 2026

**Aleya Bibi & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Haradhan Mondal
...for the petitioners
Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
Mr. Bhaskar Bhattacharyya
...for the State

1. By presenting this writ petition, *inter alia*, petitioner has prayed for quashing of criminal prosecution being Baduria Police Station Case No. 54 of 2026 dated 3rd February, 2026 under Sections 127(2), 85, 115(2), 117(2), 76, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023. Complainant being respondent no. 6 alleged abuse, physical and mental torture by her mother, brother and sister-in-law.
2. It is contended on behalf of petitioners that there was delay in lodging complaint thereby vitiating criminal prosecution and as such interference of this Court in exercise of writ jurisdiction under Article 226 is warranted.
3. Considering gravity of alleged offence and gender biased violence alleged to have been committed at this stage delay in registering FIR ought not to be found fatal. Court finds it apt

to permit the investigating agency to complete the investigation by filing charge sheet.

4. It is disclosed in the communication dated 22nd June, 2026 of Officer-in-Charge, Baduria Police Station, Basirhat Police District, North 24 Parganas that charge sheet being no. 126/26 dated 31st March, 2026 is filed.
5. Therefore, at this stage Court is not inclined to interfere with this writ petition as it is trite that power of writ Court under Article 226 of Constitution in dealing with the cases seeking quashing of criminal prosecution needs to be exercised sparingly and it is not a routine procedure that on filing the writ petition questioning criminal prosecution same needs to be interfered with.
6. Hence, writ petition stands dismissed.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)