08.10.2026
Court No.758
Item No.100
sudipta

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26188 of 2025

Smt. Sanchita Chowdhury @ Sanchita Kundu
Vs.
The State of West Bengal & Ors.

Mr. Achyut Basu
Ms. Punam Basu
Mr. Srikumar Chakraborty
Ms. Sulagna Sen
Mr. Amritangsu Sengupta
...for the petitioner

Ms. Manju (Mondal) Agarwal
Mr. Amarendra Chakraborty
...for the State

1. Affidavit of service filed in Court is kept with the record.

2. The grievance of the petitioner in this present writ petition is that she has been forcefully and illegally restrained and prevented from entering her own house, being premises no. 123, PWD Road, Post Office – Baranagar, Police Station – Dakshineswar, District – North 24 Parganas. The petitioner is the married daughter of the respondent no. 4 and the sister of the respondent no. 5 who had harassed and abused the petitioner. The petitioner has placed on record a mutation certificate wherefrom it appears that the names of Sabita Kundu, Sanjoy Kundu and Sanchita

Kundu have been mutated as the owner of the said property. It is the petitioner's case that the petitioner was wrongfully prevented from the house and thrown away by the respondents. Petitioner has lodged a complaint with the local police station which was recorded as GDE no. 1037 dated 17.09.2025. The petitioner is aggrieved by the police authority in not taking any steps, despite such complaint being made. The petitioner has, therefore, prayed for an order directing the police authorities to register an FIR and start investigation into case. The petitioner has further prayed for an order that necessary police protection may be granted to her so that the petitioner may reside in the said property. The petitioner has relied upon unreported judgments in the following matters:-

(i) WPA 15263 of 2026 (Smt. Nirmala Sil Vs. The State of West Bengal & Ors.)

(ii) WPA 23846 of 2026 (Smt. Dipali Jamadar Vs. The State of West Bengal & Ors.)

3. In WPA 15263 of 2023, the Co-ordinate Bench had directed that since the chargesheet had already been submitted in the matter, no further order orders were required to be passed in the said case. The Court, however, directed the concerned police authority to provide protection to the petitioner, if occasion so arises.

4. In WPA 23846 of 2026, another Co-ordinate Bench directed the police station to take up the investigation of an already registered case to its logical conclusion and directed the police to provide protection to the petitioner, if any occasion so arises. A report was called for from the State. Relying on the aforesaid two cases, learned Advocate for the petitioner has prayed that the petitioner be also granted police protection in similar manner.

5. The State has filed a detailed report placing on record a history of litigations between the parties. Let the report be kept on record.

6. Both the judgments cited by the petitioner relate to cases where FIR was already registered. In one of such matter chargesheet was submitted. In such view of the matter, an order was passed directing the police to ensure the safety of the petitioner. In the present case no such complaint has yet been lodged. There is no material on record to justify passing such extraordinary relief to the petitioner. The judgments are referred distinguishable.

7. Without going into the merits of the allegations made by the petitioner, since the complaint has already been lodged with the local police station, I direct the respondent no. 2 to look into the complaint lodged by the petitioner and ensure that no cognizable offence is

committed against the petitioner. If there is continued failure of the police in looking into the grievances of the petitioner, the petitioner shall be at liberty to approach the jurisdictional Magistrate Court for redressal of her grievances arising out of non-registration of an FIR.

8. It is clarified that this Court has not gone into the merits of the allegations made by the petitioner.

9. WPA 26188 of 2025 is disposed of on the above observations without any order as to costs.

10. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Anuj Singh, J.)