01.10.2026

Sl. no. DL/2
Court No. 758

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Case No.

WPA 28898 of 2023

In the matter of :

SHAHEEN BEGUM & ANR.

... Petitioners

VS.

THE STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioners :

Mr. Arun Kumar Mohanty
Mrs. Kaberi Sengupta Mohanty
Mr. R. R. Mohanty
Ms. Pusprita Chowdhury
Ms. Tithi Guchhait
Ms. Pingki Bala
Mr. Debasish Bandhopadhyay

... Advocates

For the Respondents / State :

Mr. Arkaprava Sen, Sr. Govt. Adv.
Mr. Suraj Mishra

... Advocate

1. The petitioners' grievance in the present writ petition is that the petitioners were induced to join and/or participate in a financial investment scheme, namely, "SAVE THE BARE FOOT" run by the private respondents.

2. The petitioners submit that on or about 18th July, 2021 the petitioners jointly invested an aggregate amount of Rs.4,50,000/- in the said scheme and were given receipts under the acknowledgement of the private respondent no.6. On or about 20th December, 2021, the private respondent nos.6 and 7 induced the petitioners to make further investments. The petitioners initially refused but

subsequently parted away with an additional sum of Rs.1,75,000/- to the private respondents.

3. It is a grievance of the petitioners that the private respondents dishonestly induced the petitioners to part away with the huge sums of money and refused to give any returns on the said investments made by the petitioners. Accordingly, on 17th June, 2022, the petitioners lodged a written complaint against the private respondents, *inter alia,* alleging commission of the offence of cheating and criminal breach of trust against the said private respondents. The writ petition has been filed on an allegation that no step has been taken pursuant to such complaint and for a direction upon the Officer-in-Charge of Tangra Police Station to launch an investigation into the case. A further prayer has been made that a writ in the nature of mandamus be issued against Joint Commissioner of Police (Crime), Kolkata to constitute a special team for the purpose of investigation into the alleged offence.

4. The State was directed to file a report in the matter. Mr. Sen, learned Senior Government Advocate appearing for the State has informed the Court that pursuant to the said complaint lodged by the de facto complainant, the police authorities registered, albeit belatedly, an FIR being Tangra PS Case No.363 dated 22.12.2023

under Sections 420, 406, 506 and 120B of the Indian Penal Code, 1860 and have conducted the investigation of the case. It is submitted by Mr. Sen that in course of investigation of the case, notices under Sections 41A and 91 of the Criminal Procedure Code, 1973 were issued. Mr. Sen submits that although initially some documents were forwarded by the de facto complainant, however, the original documents were not produced before the investigating officer. As a consequence thereof, the investigation of the case could not progress.

5. I have considered the case diary produced by the learned advocate representing the State and find as follows :-

a. The letter of complaint was lodged on 17th June, 2022 by the de facto complainant alleging cheating. It appears that no steps were taken by the police station till 22nd December, 2023 for registration of a formal FIR. This delay in registration of the FIR has remained unexplained.

b. It appears that the instant writ petition was filed on 19th December, 2023 and the FIR was registered within three days thereafter on 22nd December, 2023.

c. Apart from the inordinate delay in registration of the FIR, it further appears that apart from issuing notices under Section 160 of the Cr.P.C. upon the accused persons and a couple of notice under Section 91 of the Cr.P.C. upon the de facto complainant, the investigating officer took no steps in the matter. No steps were taken to apprehend the accused or even any attempt to cause any raid at the residence. It appears that while the investigation of the case remained in dormant stage, the accused persons in the meantime surrendered before the Trial Court and were enlarged on bail.

d. In course of hearing of the present writ petition, upon query of the Court, Mr. Sen submits that the investigating officer of the case was handicapped because of non-production of original documents regarding the receipts of money issued by the accused persons. Such explanation is unacceptable.

e. In course of hearing of the writ petition, learned advocate for the petitioners has filed a supplementary affidavit stating that there are additional documents in the form of electronic evidence

(Whatsapp communications) and additional documents which incriminate the accused persons and seeks leave to produce the same before the investigating officer.

6. Having considered the facts of the case, it appears that the investigation of this case has indeed been utterly unsatisfactory. Be that as it may, in view of the fact that Mr. Sen has assured the Court that the investigation of the case shall proceed with utmost expeditiousness given the nature of crime committed in inducing innocent members of the society, this Court disposes of the present writ petition with the following directions :-

i. The investigating officer of the case shall immediately issue a notice under Section 91 of Cr.P.C. to the de facto complainant calling upon her to appear before the investigating officer with all the original documents and other electronic and/or documentary evidence that are in her custody. The investigating officer shall seize the said documents upon a seizure list and take appropriate steps to conclude the investigation.

ii. The investigating officer shall also look into all aspects of the matter and see as to whether there is a prima facie case for commission of cheating or criminal breach of trust or any other offence which emerges after the investigation of the case.

iii. The investigation of the case shall be overseen by the Officer-in-Charge of Tangra police station personally who shall ensure that each aspect of the case is thoroughly investigated and appropriate report before the Court is filed as expeditiously as possible.

7. The case diary produced before the Court is returned to the learned Senior Government Advocate appearing for the State.

8. Accordingly, **WPA 28898 of 2023** is **disposed of** without any order as to costs.

9. Interim order, if any, stands vacated.

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

11. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Anuj Singh, J.)