
(2014) 06 CAL CK 0028
In the Calcutta High Court
Case No : W.P. No. 17850 (W) of 2012

Usha Howladar

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 11-06-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 380, 427, 448, 506

Citation : (2014) 4 CHN 139

Hon'ble Judges : Ashim Kumar Roy, J

Bench : Single Bench

Advocate : Sabir Ahmed, Advocates for the Appellant; Syamal Sanyal, Advocates for the Respondent

Judgement

Ashim Kumar Roy, J.—This is a case of police inaction. While addressing this Court, the Learned Counsel of the petitioner invited its attention to the Annexure-P/2, P/3 and P/4, which are the written complaints lodged to the police against respondent No. 5 by his client. It was contended although each one of them disclosed commission of cognizable offence still neither any FIR was recorded nor any investigation was undertaken. Having gone through the same and without entering into truth or falsehood of the allegations made therein I have no doubt that the same has prima facie disclosed commission of cognizable offences. In that backdrop, the police are duty bound to register FIR and to undertake investigation.

2. Now, from the action taken report which is already on the record I find that on the basis of a fresh complaint lodged to the Inspector-in-charge, Chinsura Police Station by the writ petitioner containing same allegations already Chinsura Police Station Case No. 52/14 under section 448/380/427/ 506/34 of the Indian Penal Code has been registered and investigation started.

3. In view of above nothing survives in this writ application and the same stands disposed of.

4. I make it clear that I have not gone into the merits of the allegation i.e. as to the truth or falsehood thereof which is a matter to be determined by the police after investigation. Urgent Photostat certified copy of this order, if applied for, be given to the parties at an earlier date.