

23.08.2021.
Item No. 1.
Court No.13
pk/akd

W.P.A. No. 5841 of 2020
CAN 1 of 2020 (Old No. CAN 3902 of 2020)
(Through Video Conference)

Mx Parna Bal and another
Versus
The State of West Bengal & Ors.

With
C. R. R. 1094 of 2020
CRAN 1 of 2020 (Old No. CRAN 3459 of 2020)

Mx Puja Paharia and another
Versus
State of West Bengal and others

Mr. Rachit Lakhmani,
Mr. Indrajeet Dey,
Mr. Kushal Das,
Mr. Rajyashree Mukherjee,
Mr. Ankani Biswas @ Ankan
..for the petitioners in WPA 5841 of 2020.

Mr. Raha Saha,
Mr. Amit Kumar Ghosh
for the State in WPA 5841 of 2020

Mr. Avik Ghatak,
Mr. Amit Ranjan Pati
... for the petitioners in CRR 1094 of 2020.

Mr. Rachit Lakhmani,
Mr. Indrajeet Dey
..for the respondent no. 2 in CRR 1094 of 2020.

Mr. Pratip Mukherjee,
Mr. Omar Faruk Gazi
... for the respondent no. 3 in CRR 1094 of 2020

Mr. Rana Mukherjee,
Mr. Arijit Ganguly
... for the State in CRR 1094 of 2020

In Re : WPA 5841 of 2020

The writ petition has been filed alleging inaction
against the Berhampore Police Station on a complaint

dated 28th July, 2021. The writ petitioner has had a gay relationship with one Puja Paharia. Opposing the said relationship, the family members of the writ petitioner, namely, her father, mother, her brother and her elder sister had wrongfully confined her and had inflicted torture.

Learned counsel for the State has submitted that the Berhampore Police Station Case No. 755 of 2020 dated 28th July, 2020 under Sections 342/325/379/506/34 of the Indian Penal Code have been registered and investigation is on.

The petitioner submits that while it may have been true that the family members are name accused in the complaint against her, she is now free and is leading her own life free from any influence of any family member.

This Court finds no inaction on the part of the Berhampore Police Station.

In that view of the matter, although there is no formal request from the family members to that effect, this Court in exercise of powers under Article 226 of the Constitution of India is of the view that continuation of any investigation under the said Act would be exercise of an utility. Hence the proceedings under Police Station Case No. 755 of 2020 shall stand concluded and closed and no further steps need be taken thereunder by the Berhampore Police.

With the aforesaid observations, the writ petition is disposed of.

In view of the disposal of the writ petition, connected application being CAN 1 of 2020 (Old CAN 3902 of 2020) is also disposed of.

There will be no order as to costs.

In Re: CRR 1094 of 2020

The revisional petition has been filed by one Puja Paharia and Ankani Biswas, advocate alleging that the petitioners along with the respondent no. 3 committed offence under Section 376 against the respondent no. 2. The respondent no. 4 was the complainant.

The victim as well as the accused are represented before this Court. The alleged victim has in no uncertain terms stated that she was never assaulted by the writ petitioner or her advocate or the respondent no. 3.

In that view of the matter, FIR 621 of 2020 dated 30th June, 2020 shall stand quashed and set aside.

The Berhampore Police Station shall not take any further steps in respect of the same. Any articles seized in course investigation shall be returned back to the accused and the complainant.

With the aforesaid directions, CRR 1094 of 2020 is disposed of.

In view of the disposal of the revisional petition, connected application being CRAN 1 of 2020 (Old CRAN 3459 of 2020) is also disposed of.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)