

09.7.2025
Sl. No.**63**
Court no.IV
nb

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

WPA 1469 of 2025

Victim X.
Vs.
The State of West Bengal & Ors.

Mr. Satarudriya Mukherjee,
Ms. Tannu Agarwal,
.... for the petitioner.
Mr. Bedashruti Bose,
Mr. Rina Sarkar,
.... for the State.

The petitioner has approached the Court with a tragic tale.

The petitioner submits that she is a victim of rape. It is her case that she belongs to the Scheduled Caste and that she was allegedly violated by the respondent no.8. She complains that the incident was allegedly videographed by the respondent no.8 and the petitioner was threatened that the same would be uploaded on social media.

The petitioner, therefore, lodged an FIR with Siliguri Women P.S. However, the Siliguri Women P.S. refused to accept the FIR of the petitioner pertaining to the threat of uploading of the said video on social media accounts stating that for such purpose the petitioner would have to approach the Siliguri Cyber Crime Cell.

The petitioner therefore had to lodge a second FIR at the Siliguri Cyber Cell.

It is now submitted by the learned Advocate for the petitioner that subsequently, the video footage of the incident was circulated through WhatsApp and also uploaded on Instagram account. It is submitted that the same was removed after the lodging of FIR with the Siliguri Cyber Cell.

The petitioner complains that the petitioner was compelled to lodge two FIRs in respect of same incident at two different places. The petitioner now apprehends that since there are two FIRs, the case diary in respect of one FIR in one P.S. would not find reference of the second FIR at the second P.S and vice versa. The petitioner, therefore, seeks clubbing of the two FIRs so that the petitioner does not have to face harassment again and again in respect of two investigations pertaining to the same FIR.

Learned counsel appearing for the State authorities submits that the petitioner approached the Cyber Cell on her own and that in any case cyber crimes and offences of the like (which include the aspect regarding uploading of video on social media site) can effectively be investigated into by the Cyber Cell.

It is further submitted that there was no compulsion on the part of the petitioner to lodge two FIRs and that she took the decision on her own.

Having heard learned counsel appearing for the respective parties and having considered the material on record, at this stage, it would suffice if the two FIRs filed by the petitioner are merged into one. Since the offence of rape has been alleged to have been committed and the first FIR was lodged with the Siliguri Women P. S. which has been numbered as FIR No.57 of 2025, therefore the FIR lodged with the Siliguri Cyber Crime P.S. which has been numbered as FIR No.65 of 2025 shall be merged with the earlier FIR lodged with the Siliguri P.S. and a consolidated investigation shall be done. The concerned Officer in Charge of the Siliguri Cyber Crime P.S. and the Investigating Officer who has been appointed for dealing with the petitioner's case in the Siliguri Cyber Crime P.S. shall render all cooperation to the Investigating Officer at Siliguri Women P. S. who has been tasked to deal with the petitioner's case. It is clarified that merger of the two FIRs has been done for the ease of investigation and to ensure consolidated inquiry and not to give an opportunity to the relevant Investigating Officer to wash his hands-off the case upon the merger taking place.

The petitioner further submits that though she belongs to the Scheduled Caste the same has not been taken note of by the police authorities and there is no mention thereof in the FIR. It is further submitted that in case the same had been mentioned offences committed under the relevant provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 would have found mention in the FIR.

It is submitted in response on behalf of the State respondents that no such information pertaining to the petitioner belonging to the scheduled caste as alleged was ever provided by the petitioner in the complaint that was lodged by the petitioner.

Be that as it may, in view of the submission made by the petitioner, the petitioner will be free to approach the Siliguri Women P. S. with appropriate details whereupon the concerned police station shall take appropriate steps to ensure that the petitioner's grievances are redressed.

It is further directed that the Respondent Police Authorities shall ensure that no photograph or video of the victim is misused in any way and to ensure that the same is not uploaded anywhere by the accused.

It is expected that the respondent police authorities shall act with requisite promptitude and shall take effective expeditious steps to bring the

culprits to justice upon a thorough but quick investigation.

Needless to mention that the respondent police authorities shall act strictly in accordance with law and follow the applicable regulations.

With the above observations WPA 1469 of 2025 stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)