

08.09.2020

Item No.22
Court No.11
Avijit Mitra

W.P.A. No. 6350 of 2020 (Via Video Conference)

with

CAN 1 of 2020 (Old No. CAN 4899 of 2020)

In re: Dilip Bhattacharjee & Ors.

- Versus -

State of West Bengal & Ors.

Mr. Kamal Kanta Kar

For the Petitioners

Mr. Subhabrata Datta,

For the State Respondents

In view of the express undertaking of the petitioners to comply with all the formalities regarding filing including stamping of the petition immediately upon resumption of normal court business and in view of the urgency involved, the writ petition is taken up for hearing. The application being CAN 1 of 2020 (Old No. CAN 4899 of 2020) is, accordingly, disposed of.

Mr. Kar, learned advocate appearing for the petitioners submits that the private respondents are disturbing the petitioners' physical possession over the concerned premises. Such fact was brought to the notice of the respondent no.6 by a complaint dated 17th February, 2020 but the same has not been considered. Aggrieved thereby, the petitioners have approached this Court.

Mr. Datta, learned advocate appearing for the State respondents submits that on the basis of the petitioners' complaint no F.I.R. has been registered as the same does not disclose any cognizable offence.

Correctness of a decision of a police officer forming an opinion that the information supplied does not make out a cognizable offence is to be examined by the competent Magistrate under the provisions of the Code of Criminal Procedure.

Under such circumstances, I am not inclined to interfere in the writ petition and the same is, accordingly, dismissed.

It is, however, made clear that the dismissal of the writ petition will not prevent the petitioners from availing the remedies as provided under the Code of Criminal Procedure.

All parties are directed to act on the server copy of this order.

(Tapabrata Chakraborty, J.)