

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(VIA VIDEO CONFERENCE)

WPA 7923 of 2020

Dinesh Rajbanshi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Avishek Prasad
... For the petitioners

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel
Mr. Tarak Karan
... For the State

Petitioner complains of police inaction.

Learned advocate for the petitioners submits, the petitioners approached the civil court. During the pendency of the civil suit, the private respondents assaulted the petitioners. He draws the attention of the Court to the complaint dated August 12, 2020 and submits that, such complaint discloses commission of cognizable offence. He submits that the police are inactive.

Learned Senior Standing Counsel for the State submits that, the police enquired into the complaint lodged by the petitioners. On enquiry, the police learnt that, the disputes are civil in nature and relate to the immovable property. The police drew up a prosecution under Section 107 of the Criminal Procedure Code.

In the facts of the present case, there are two complaints of the petitioners dated August 12, 2020 and

August 24, 2020. There is also a civil suit pending between the petitioner and the private parties.

Although the petitioners obtained an ad-interim order, the same was vacated on contest. An appeal is pending therefrom.

It appears from the records made available to Court that, there are disputes between the private parties with regard to an immovable property. Such disputes apparently resulted in the two police complaints lodged by the petitioners. The petitioners have statutory alternative remedy so far as police complaints are concerned. The petitioners are at liberty to avail of such alternative statutory remedy. I am not inclined to exercise the discretion under Article 226 of the Constitution of India in the facts of the present case.

WPA 7923 of 2020 is disposed of.

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

(Debangsu Basak, J.)