

13.04.2021

(as)

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**W.P.A.235 of 2021**

**Susail Kumar Singh**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Anjan Bhattacharyya,

Ms. Anita Shaw.

...for the private respondent  
Nos.4 and 5.

No one appears for the petitioner.

Mr. Anjan Bhattacharyya, learned Advocate appears  
on behalf of the private respondent Nos.4 and 5.

It appears from the prayers of the petitioner in the writ petition that the petitioner sought a direction upon the respondent No.2 “to consider the written complaint dated 26.08.2016 made by him before the concerned police station for protection of his life and property.

Mr. Bhattacharyya draws attention of this Court to the orders dated June 28, 2016 and August 16, 2016 appearing at pages 94 and 95 of the writ petition wherefrom it appears that on the earlier occasion, a writ petition filed by the petitioner against the private respondents was disposed of on 16.08.016 giving liberty upon the petitioner to institute appropriate criminal proceedings under Section 156(3)/200 of the Code of Criminal Procedure before the concerned jurisdictional Magistrate.

If a complaint before the police discloses a cognizable offence, the police are under obligation to register a case and investigate into the case. But in event, where, the police refuse to lodge first information report and investigate, the remedy of the petitioner lies in approaching the jurisdictional Magistrate invoking the relevant provision of the Code of Criminal Procedure. Interference of the Writ Court in such cases is made only by way of exception.

The facts and circumstances of the case does not warrant any intervention of the Court to invoke the constitutional writ jurisdiction at this belated stage since the complaint was made as long back as on August 26, 2016.

The writ petition is accordingly dismissed.

There will be no order as to costs.

**(Kausik Chanda, J.)**