

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Through Video Conference)

WPA 3469 of 2021

Pavan Kumar Lakhotia
Vs.
Kolkata Police & Ors.

Mr. Rajeev Lochan
... For the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan
... For the State

Mr. Sandipan Ganguly
Mr. Dipanjan Dutt
Mr. Subhojit Roy
Mr. Ramanuj Roychowdhuri
... For the respondents no.2 & 3

Mr. Prasanta Kumar Dutt
Mr. Susanta Kumar Dutt
Mr. Syamantak Banerjee
... For the respondent no.4

The petitioner says that the petitioner's father during his lifetime held certain shares of Bajaj Auto Limited. The petitioner's father died on 30th March, 1982. In paragraph 5 of the writ petition, the petitioner has said that the petitioner's mother approached the respondent no.3 after the death of the petitioner's father for transfer of shares when the respondent no.3 informed the petitioner's mother that the shares have been transferred to somebody else on the basis of validly executed transfer deeds. The petitioner then alleges that the share transfer

documents through which the transfer was effected in the year 1993-94 have been forged and the shares have been dealt with fraudulently. The petitioner on 2nd April, 2018 lodged a complaint before Sarsuna Police Station on the basis whereof a First Information Report was also registered on that date. The petitioner being aggrieved by the pace of inquiry and the mode alleges police inaction and seeks appointment of a Special Investigation Team (in short "SIT") for inquiring into the matter.

On behalf of respondents no.2 and 3, it is submitted that the allegations made by the petitioner are shorn of truth and requires no further investigation. After the First Information Report was registered, the respondents no.2 and 3 were issued notice under Section 41A of the Code of Criminal Procedure, 1973 (in short "Cr.PC"). The respondents no.2 and 3 had cooperated with the investigating officer and at the end of the investigation, nothing was found as against the respondents no.2 and 3 as alleged by the petitioner. A final report in terms of Section 173(2) of the Cr.PC has been filed by the investigating officer before the concerned Magistrate and the said Magistrate has taken the note of such fact and has also issued notice as required in law.

On behalf of the State, it is submitted that the writ petition is not maintainable as there is no iota of truth in the allegation as to police inaction as sought to be made out by the petitioner. The police have conducted

the investigation and have filed the final report before the jurisdictional Magistrate. The petitioner, if is aggrieved with the investigation, has to ventilate such grievance before the Magistrate concerned.

After hearing the parties and considering the materials on record, it appears that the matter should be disposed of by giving the petitioner liberty to agitate the points made out in the instant writ petition before the concerned Magistrate before whom the final report has been filed.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)