

17.08.2021

Ct. No.13

Sl. No.46

pk

W.P.A. 5127 of 2020 [via video conference]

[Monirul Islam Sardar -Vs- State of West Bengal & Ors.]

Mr. Saunak Bhattacharya,

Mr. Saunak Mandal

... .. for the petitioner

Mr. Ashim Kumar Ganguly,

Ms. Karabi Roy

... for the State.

Mr. Animesh Mukherjee,

Mr. Abdul Alim

... for the respondent nos. 4 and 5.

Learned counsel for the State appears and submits instructions dated 05.07.2021 issued by the Baruipur Police Station, District-South 24 Parganas. It appears that pursuant to the petitioner's complaint, Baruipur Police Station Case No. 517 of 2020 dated 22.02.2020 under Sections 447/188/325/379/506/354/34 of the Indian Penal Code has been registered. Investigation was conducted and a final report no. 38/2020 dated 29.02.2020 to the effect that the dispute is primarily civil in nature has been filed before the Jurisdictional Magistrate. It also appears from the instructions that prior thereto, on the complaint by the parties, Baruipur Police Station NCR No. 584 dated 05.12.2019 under Sections 107/116 of the Code of Criminal Procedure was submitted, inter alia, against one Amin Mondal.

This Court is of the view that the remedy of the petitioner against the final report is, inter alia, under Section 173 of the Code of Criminal Procedure.

In that view of the matter the writ petition is disposed of, with liberty reserved to the petitioner as indicated above, if available in law.

The instructions dated 5th July, 2021 is taken on record.

There will be no order as to cost.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)