

09.07.2021.
Item no. 74.
Court No.13
ap

**W.P.A. No. 10729 of 2021
(Through Video Conference)**

**Krishna Dutta & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Biswarup Biswas,
Mr. Gora Chand Samanta.

...For the petitioners.

Mr. Santanu Kumar Mitra.

..For the State.

Mr. Partha Pratim Roy.

..For the respondent no.7.

The petitioners are aggrieved by the fact that a complaint lodged by his clients in May 2021 has not been enquired into by Canning Police Station. The complaint was regarding a lock put on a shoproom by the brother of the petitioner no. 1.

Counsel for the State appears and submits that the petitioners have taken out proceedings under Section 144 of the Code of Criminal Procedure and the learned Executive Magistrate has directed that there shall be no breach of peace in the area and the next date of the proceeding was fixed on 13th July, 2021.

Counsel for the private respondent submits that there is a civil suit pending between the petitioners and the private respondents before the learned Civil Judge (Junior Division) 1st Court at Baruipur being Title Suit No. 190 of 2021.

Having considered the complaint of the petitioners and after going through the facts of the case, this Court is of the view that the petitioners' grievance have been addressed by Canning Police Station. Any further grievance with regard to any possession or any right in respect of the property may be agitated by the parties in a civil forum and/or Title Suit No. 190 of 2021 now pending. Police cannot enter into such dispute.

While it is true that an FIR ought to have been registered with regard to the complaint lodged, it is equally true that the police are required to conduct an enquiry, if the allegations in the complaint do not disclose any cognizable offence. The disputes in question are family property disputes.

The enquiry appears to have been conducted by Canning Police Station. As the disputes between the petitioners and the respondents are found to be purely civil in nature it has already been ordered by the learned Executed Magistrate that there shall not be breach of peace in the locale.

In those circumstances, the respondent no.5, O.C., Canning P.S., shall ensure that there is no breach of peace in the locale.

Any disputes with regard to the shop-room and/or possession thereof shall be agitated before a civil forum.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)