

14.07.2021.
Item no. 82.
Court No.13
ap

**W.P.A. No. 10968 of 2021
(Through Video Conference)**

**Sabina Yasmin
Versus
The State of West Bengal & Ors.**

Mr. Mukteswar Maity,
Ms. Soma Mal.

...For the petitioner.

Mr. Malay Kumar Singh,
Mr. Mihir Kundu.

..For the State.

Mr. Pankaj Halder,
Mr. Bitasok Banerjee.

..For the respondent nos.4 & 5.

Counsel for the petitioner submits that her late husband and the private respondents were conducting a partnership business, inter alia, on two shop-rooms of the petitioner's family. Since after death of her husband and dissolution of the partnership firm, civil proceedings are pending before the concerned Commercial Court, Rajarhat, North 24 Parganas being Misc. Case No. 36 of 2020.

The petitioner complains that the private respondents have put a padlock on her premises and are interfering with her possession.

However, the facts indicate otherwise. The petitioner in respect of the said shop-rooms and the dissolution of the firm have approached the Civil Court for relief which has been declined. Proceedings have been initiated by the petitioner under Section 144 of the Code of Criminal Procedure in respect of which an

enquiry has been ordered by the Executive Magistrate. The said proceedings under Section 144 of the Code of Criminal Procedure cannot determine the title of the petitioner to the property.

Counsel for the State has filed instructions received from the Domjur Police Station, Howrah dated 12th July, 2021. The said Domjur Police Station has investigated into the complaint of the petitioner and has found that the dispute is primarily civil in nature.

This Court is also of the view that the dispute is primarily civil in nature and there is no criminal element of law involved. This Court, therefore, does not find any inaction on the part of the Domjur Police Station.

The writ petition is an abuse of process of law and is hereby dismissed with costs assessed at Rs.5,100/- (Rupees five thousand one hundred only) payable by the writ petitioner to the State Legal Services Authority.

Inspector-in-charge, Domjur Police Station has submitted a report dated 12th July, 2021 in the form of instructions to the learned Government Pleader, High Court, Calcutta. The same is taken on record.

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

(Rajasekhar Mantha, J.)

