

06.08.2021

Ct. No.13

Sl. No.8

pk/akd

W.P.A. 11683 of 2021 [via video conference]

[Taraprasad Naskar -Vs- The State of West Bengal & Ors.]

Mr. Atish Dipankar Ray
Ms. Sanjukta Ray
Mr. Soumyajit Mishra
... .. for the petitioner

Mr. Santanu Sett
Mr. Suman Pathak
... for the respondent no.7

Mr. Subhabrata Datta
Mr. Abdus Salam
... .. for the State

Affidavit-of-service filed in court is taken on record.

Learned counsel for the petitioner complains that the private respondents have not only assaulted the petitioner and his family members but have also prevented free ingress and egress from his residence. It is submitted that a wall has been recently constructed which is causing such obstruction.

Learned counsel for the State submits that a FIR has been registered at Kultali Police Station under Sections 323/325 of the Indian Penal Code. On receipt of second complaint, a second FIR being Kultali Police Station Case No. 308 of 2021 dated 29.06.2021 has been registered under Sections 188/447/323/325/506/34 of the Indian Penal Code. It is submitted that the accused are on bail and investigation is on.

On 26th July, 2021 the Officer-in-charge of the said police station had received a phone call from the petitioner whereupon the petitioner's residence was inspected. The private respondents have been cautioned by the Officer-in-charge and proceedings under Section 107 of the Code of Criminal

Procedure have been taken out. It appears to this court that the private respondents are repeatedly harassing the petitioner.

There is also a civil suit being Title Suit No. 481 of 2019 pending before the learned Civil Judge (Junior Division), 3rd Court at Baruipur between the parties in which an order of status quo has been passed on 21st September, 2019.

It is directed that the investigation in the two FIRs be completed as expeditiously as possible preferably within a period of 45 days from date. The Officer-in-charge, Kultali Police Station shall ensure that the petitioner's free ingress and egress to his residence is not restricted.

In the event of receipt of any further complaint against the private respondents, suitable steps shall be taken against the private Respondents in view of the successive complaints against them.

The private respondent no.7 is represented and is warned against harassing the petitioner any further.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)