

7.
8.10.2021
S.D.

WPA 15323 of 2021

Firoza Bibi
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Chandra Saha
Mr. Susanta Pal
....for the petitioner.
Mr. Anirban Roy, G.P.,
Mr. Jishnu Chowdhury
Ms. Amrita Panja Moulick
....for the State.

The petitioner claims that the respondent authority is not taking proper action on the written complaint lodged on 19.6.2021 before the Officer-in-Charge, Rahara Police Station, District – North 24 Parganas though on the basis of the complaint, an FIR being 341/323/325/326/506/34 IPC has been registered against the accused persons, named in the FIR. The accused persons had been admitted on bail by the learned Chief Judicial Magistrate, but the petitioner has filed an application under Section 439 (2) of the Cr.P.C. for the cancellation of the bail registered as C.R.M. No. 6241 of 2021 which is likely to be heard. The petitioner's claim that there is inaction on the part of the police authority, but in rebuttal Mr. Anirban Roy, learned Advocate being assisted by Ms. Amrita Panja Moulick submits a report of the Officer-in-Charge,

Rahara Police Station dated 25.9.2021 wherefrom it is reflected that on usual investigation, the charge sheet being No. 242/21 dated 31.7.2021 under Section 341/323/506/34 IPC has been submitted against the accused persons being the private respondents herein. It is also reported that on the basis of two complaints made by the daughter of the petitioner, the private respondent no. 5 herein, Rahara Police Station Case 221 dated 20.6.2021 under Section 341/323/325/307/506/379 IPC and Rahara Police Station Case 235 dated 2.7.2021 under Section 406/354/325/341/506/34 IPC have been registered and both the cases have been investigated and Charge Sheet No. 201 dated 31.7.2021 under Section 341/323/506/34 IPC and Rahara Police Station Charge Sheet No. 217 dated 16.07.2021 under Section 354/325/341/34 IPC have been submitted.

It is pertinent to take note of the fact on the report that the instant petitioner made the complaint before the Commissioner of Police, Barrackpore on 10.9.2021 and the complaint was taken by Rahara Police Station Part-IV having No. 307/21 dated 11.9.2021. Over the issue of the complaint made by the petitioner, a discreet enquiry was conducted by examining the local respectable inhabitants and the allegation made by the petitioner could not be substantiated. It is further pointed out that the petitioner filed an application before the

Additional Chief Judicial Magistrate being No. 396 of 2021 in the matter of Firoza Bibi vs. Mohima Pervin, for seizure of 3(three) goods carrier vehicles having No. WB23E/3342, WB41E/1453, WB41G/2232 belonging to the instant petitioner. And upon hearing, the learned Judicial Magistrate, 3rd Court, Barrackpore was pleased to pass an order with a direction to seize the said vehicles parked at the premises of the private respondent nos. 4 and 5. In compliance with the order of the learned Court of Law the aforesaid vehicles were seized under proper seizer list duly signed by the instant petitioner and local witnesses and kept the aforesaid vehicles within the premises of Rahara Police Station under safe custody. It is also noteworthy to mention in the present context that on 25.9.2021 with the leave of the learned Court of Law 3(three) goods carrier vehicles having no. WB23E/3342, WB41E/1453, WB41G/2232 were handed over to the instant petitioner.

The report be kept on record.

So it appears that there are cases and counter cases by and between the parties and the private respondents are nobodies but the daughter and the son-in-law of the petitioner herself.

Therefore, the writ petition is not maintainable as the parties are litigating each other without having regard to the

family set up in their mind. That apart, there is no instance of inaction on the part of the police.

Thus, the writ application being W.P.A. 15323 of 2021 is dismissed.

All parties are to act on server copy downloaded from the official website of the Court.

(Shivakant Prasad, J.)