

29.07.2021  
Item no.159

Aloke  
Ct. no.8

**Through Video Conference**

**W.P.A. 23853 of 2019**

**Sk. Hamidul  
Versus  
State of West Bengal & Ors.**

Mr. Anirudha Sarkar, Advocate  
Mr. Goutam Dey, Advocate  
... for the petitioner  
Mr. Rajarshi Basu, Advocate  
Mr. K.M. Hossain, Advocate  
... for the State

Petitioner complains of police inaction.

Learned Advocate appearing for the petitioner submits that there exists an order passed by the civil court. He draws the attention of the Court to an order passed by the Magistrate under Section 144(2) of the Code of Criminal Procedure.

Learned Advocate appearing for the State submits that the complaint of the petitioner was enquired into and on enquiry, police learnt that the disputes relate to an immovable property between the private parties. The disputes are civil in nature, nonetheless the police submitted a prosecution under Section 107/116(C) of the Code of Criminal Procedure.

In the facts of the present case, there is a civil suit pending between the private parties. In the event there is any violation of the order passed by the civil court, the petitioner is at liberty to take appropriate steps with regard thereto. So

far as the complaint of the petitioner is concerned, the police enquired into the same and submitted a prosecution under Section 107/116(C) Cr.P.C.

The police taking action as noted above, no further interference is called for by the writ Court.

W.P.A. 23853 of 2019 is disposed of accordingly.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all legal formalities.

***(Debangsu Basak, J.)***