

Sl No.07
17.03.2021.
AKG

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

WPA 454 of 2021

Ashutos Roy & Ors.
-versus
The State of West Bengal & Ors.

Mr. Jagriti Mishra

...for the Petitioner.

Ms. Bedashruti Bose

...for the State.

The petitioners allege overaction by the concerned police authority. It is submitted by the petitioner that the respondent no 5 on 26th January 2021, made a threatening phone call to the petitioner no. 1 and directed him to allow the private respondent nos. 6 and 7 to enter into the land of the petitioners.

Ms. Bedashruti Bose, learned advocate appearing for the State submits that the private respondents lodged a written complaint before the police authority on 26th January, 2021. The said complaint was diarised and on the same date following that complaint, over telephone, petitioner no 1 was asked to attend the concerned

police station to make further enquiry into the matter.

It is further submitted by Ms. Bose that the police authority upon such enquiry has drawn a proceeding under Section 107 of the Code of Criminal Procedure against the petitioners as well as against the private respondents.

Mr. Mishra, learned advocate appearing for the petitioner submits that the police authority cannot interfere into a dispute which is civil in nature and in support of such submission, he relies on a judgment reported in 2004 2 ALD (Cri) 477 (*J. Lakshmi @ Lakshamma Vs. Commissioner of Police, Vijayawada*).

There is no dispute with regard to such proposition of law. But in the present case, the police authority apprehended serious breach of peace by the parties and initiated a proceeding under Section 107 of Code of Criminal Procedure against them. The writ petitioners, if aggrieved by such proceeding, may challenge the same before the appropriate forum.

Accordingly, the writ petition is disposed of without any order as to cost.

(Kausik Chanda, J.)