

Court No. 2

23.09.2021

(Sl. 107)

(S. Banerjee/BP)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 1227 of 2021

Dipali Singh

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Subham Gupta

... for the petitioner

Mr. Hirak Barman

Mr. Momenur Rahman

... for the State

Mr. Dipankar Deb

... for the respondent nos. 8 to 13

Let the affidavit of service filed in court today be kept on record.

The petitioner complains of the inaction by the Kalimpong Police Station in refusing to register FIR and investigate into her complain dated 16th June, 2020 against the private respondents. The grievance of the petitioner is that the private respondents who are other legal heirs of one Late Krishna Singh have assaulted her and tried to obtain her signature on blank documents. Upon refusal by the said police station to register FIR a complaint was sent to the Superintendent of Police, Kalimpong on the same day.

The petitioner thereafter approached the National Commission for Women repeatedly and such commission is stated to have directed the Kalimpong police to register FIR.

The dispute with the private respondents is essentially that the petitioner claims to be the adopted daughter of Late Krishna Singh and propounds a will stated to have been executed by the deceased in her favour. The private respondents challenge such will and rights claimed. It is clear and evident therefrom that the dispute is purely civil in nature and the parties are already contesting each other's rights before a civil forum.

Counsel for the private respondents denies all allegations made by the writ petitioner against them.

Counsel for the State submits that after receipt of the complaint from the petitioner they have drawn up a proceedings under Section 107 of the Code of Criminal Procedure. There is peace as of now. The warring factions of the family live away from each other.

In that view of the matter the Officer in Charge of Kalimpong Police Station is directed to ensure that there is absolutely breach of peace whatsoever in the locale and between the parties. The parties shall also not come into any contact with the other and they shall not interfere with each other's lives at all and shall settle their dispute in pending civil proceeding or any other civil proceeding in accordance with law.

The Officer in Charge Kalimpong Police Station shall take suitable steps and measures as may be deemed fit if any situation warranting any further action arises.

This court records appreciation for Mr. Subham Gupta, learned advocate, for ably and

competently conducting the proceedings for the petitioner.

With the above observations and directions the writ application is disposed of.

(Rajasekhar Mantha, J.)