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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

W.P.O. No. 184 of 2021

KALYAN KUMAR MAHAJAN AND ANR.
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 22nd April, 2021.

Appearance:

Mr. Sourav Chatterjee, Adv.

Mr. Rochit Lakhmani, Adv.

Mr. Indrajeet Dey, Adv.

Ms. Dona Ghosh, Adv.

...for the petitioners

Mr. Subhankar Chakraborty, Adv.

...for the respondent nos. 5, 6 & 7

Mr. Debjit Mukhrjee, Adv.

Mrs. Susmita Chatterjee, Adv.

...for the State

The Court : Learned counsel appearing for the petitioners contends that despite specific complaints being lodged by the petitioners, annexed respectively at pages 50, 52 and 58 of the writ petition, the police have not taken any steps in such regard.

Learned counsel appearing for the private respondents submits that there is a pending civil litigation between the private parties and a subsisting injunction order granted by the Civil Court on similar subject matter as that of

the petitioners' complaints. As such, the private respondent argues that the police have no role to play since the matter is in seisin of a competent Civil Court.

Learned counsel appearing for the State respondent submits that, pursuant to the complaints lodged by the petitioners, Muchipara P.S. Case No. 56 of 2021 dated April 2, 2021 under Sections 188/242/323/384/506/36 of IPC has already been initiated.

Although it is contended by counsel that a Coordinate Bench has passed an interim order of status quo in a partition suit pending at the behest of the petitioners, the criminal components in the complaints lodged by the petitioners are not covered by the ambit of the civil proceedings. As such, the police are entitled and duty-bound to carry on the enquiry/investigation, as appropriate, on the allegations levelled by the petitioners in connection with the case mentioned above. Accordingly, WPO No. 184 of 2021 is disposed of on the basis of the above observations.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(SABYASACHI BHATTACHARYYA, J.)