

29.06.2022
Court No. 19
Item no.166
CP

WPA No. 1070 of 2022

Riyaz Uddin Shah & ors.

Vs.

The State of West Bengal & ors.

Mr. Pratip Mukherjee
Mr. Omar Faruk Gazi
Mr. Atarul Haque Molla

....for the petitioners.

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay

....for the State.

The petitioners allege that due to post-poll violence, the petitioners were ousted from their village. The respondent nos. 4 to 11 who are some of the local miscreants, were responsible for such ouster.

Allegation is that despite complaint having been filed before the local police station, the police authorities failed and neglected to protect the petitioners and to take steps against the miscreants.

The police report has been filed in the form of an instruction. The same is taken on record. It appears that one Jahiruddin Shah lodged a written complaint before the Officer-in-charge, Diamond Harbour Police Station against some unknown miscreants. On the basis of such complaint, Diamond Harbour PS Case No. 170/2021 dated

June 22, 2021 under Sections 448/379/427/436/354/506/34 of the Indian Penal Code was registered. During investigation, the police authorities found that there was continuous unrest and violence in the area. One Yeasen Sk and 23 others had attacked one Jahiruddin Shah and some of the petitioners. Their houses had been looted and damaged. Some of the houses, shops and vehicles were set on fire.

The police authorities are of the opinion that the incident occurred out of family disputes and political grudge. The police authorities investigated, visited the place of occurrence, seized the offending articles, interrogated the witnesses and found that there were as many as 23 persons involved. After the investigation, charge-sheet has been submitted. Six out of 23 have been absconding. 17 persons who were arrested, were subsequently released on bail by the appropriate court.

The petitioners again filed an application under Section 156(3) of the Cr.P.C. The learned ACJM, Diamond Harbour, South 24 Parganas directed the police authorities to register FIRs. Six FIRs have been registered. Investigation is pending.

Under such circumstances, this court finds that the police authorities have taken steps. The six FIRs which have been registered subsequently, shall

be investigated and reached to its logical conclusion in a free and impartial manner.

If the petitioners are still out of their residence, they are at liberty to jointly approach the Officer-in-charge, Diamond Harbour Police Station within a week from date, with a prayer for police protection when they enter their village.

If such prayer is made, the police authorities shall ensure safe entry of the petitioners to their individual houses in the village, namely, Kuleswar. Such exercise shall be completed on a single day. Safety of the petitioners must be ensured.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)