

24.08.2022
Court No. 19
Item No. 1 (DL)
CP

W.P.A. No. 5450 of 2022

Sujit Singhanian
Vs.
The State of West Bengal & ors.

Mr. Sandip Chakrabarty
Mr. Subhendu Hazra
Mr. K. Das

....for the petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas

...for the State.

Mr. Debjit Mukherjee
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee

...for the respondent nos. 5 to 8.

Nothing survives for a decision in this writ petition in view of the facts which have been submitted by the learned advocate for the petitioner.

It is the specific contention of the petitioner that the police authorities had initiated the investigation by incorporating weaker sections, in order to accommodate the accused persons. The sections which were actually applicable with regard to the alleged illegal activities of the respondent nos. 5 to 8, had not been incorporated. It is next submitted that the said respondents continuously harassed the petitioner and pressurized the petitioner to withdraw the complaint case filed before

the jurisdictional court. Finally, the petitioner has prayed that the order of injunction which has been passed by the learned Civil Judge (Junior Division), 1st Court, Barasat dated September 10, 2021 in Title Suit No. 551/2021 be implemented by the police authorities. Preservation of the CCTV footages of the society, has also been prayed for.

The police authorities, on the direction of the learned Chief Judicial Magistrate, North 24 Parganas, under Section 156(3) of the Cr.P.C. registered Eco Park Police Station Case No. 224/2021 dated August 21, 2021 under Sections 323/325/307/427/34 of the Indian Penal Code. The case was investigated. After investigation, charge-sheet was filed under Sections 341/323/506/34 of the Indian Penal Code, against all the private respondents.

The grievance of the petitioner that Sections 326 and 307 had been deleted from the charge sheet, will be addressed by the learned jurisdictional Magistrate before whom the petitioner has already filed a naraji petition.

With regard to the prayer for implementation of the order of injunction, it is submitted upon instructions by Mr. Mukherjee, learned advocate appearing for the respondent nos. 5 to 8, that the order of injunction does not survive. Such

submission has been refuted by the learned advocate for the petitioner. It appears that a counter suit had been filed by the respondent nos. 5 to 8 and an order of injunction had been passed.

It further appears that the petitioner had also filed a complaint case before the learned jurisdictional court against the respondent nos. 5 to 8. An enquiry report was also filed before the said court. The above proceedings shall continue in accordance with law. If the petitioner can satisfy the police authorities that the order of injunction which was passed in Title Suit No. 551/2021 is still subsisting, the police authorities will ensure that the said order is implemented.

The other findings in the enquiry report with regard to the maintenance charges which are payable by the petitioner and use of two car parking spaces by the petitioner, are matters to be decided by the learned civil court in the civil suit which has been filed by the respondent nos. 5 to 8 being Title Suit No. 393/2022, pending before the learned Civil Judge (Junior Division), 1st Court, Barasat.

The petitioner submits that once the writ petition has been filed, the respondents have stopped harassing the petitioner.

In any event, the police authorities shall maintain peace.

As no affidavits have been called for, the allegations against the respondent nos. 5 to 8 are deemed to have been denied.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)