

S/L 465(ML)
25.07.2022
Court. No. 19
GB

WPA 9188 of 2022

Dr. Swapan Kumar Aich
VS
The State of West Bengal & Ors.

*Mr. Nilanjan Adhikari,
Mr. Gouranga Pal.*

...for the Petitioner.

*Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee.*

...for the State.

*Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar.*

...for the Respondent No.15.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges inaction of the police authorities of Barasat Police Station and Duttapukur Police Station.

The police authorities have filed a report, from which it appears that on the basis of the complaint of the petitioner, an FIR was registered against one, Subir Mukharjee, the respondent no.12 and Barasat Police Station Case No.860 of 2021 dated November 11, 2021 under Sections 448/354/380 of the Indian Penal Code was started against the respondent no.12. Investigation proceeded. The said FIR named accused, Subir Mukherjee was arrested on November 12, 2021. After completion of the investigation, charge-sheet vide Barasat P.S., C.S. No.703 of 2021 dated December 7, 2021, under Sections 448/354/506 of the Indian Penal Code was submitted before the learned court below, against the said Subir Mukherjee. The petitioner was informed about the

result of the case. During investigation and upon local enquiry and examination of some persons under Section 161 of the Code of Criminal Procedure, the police authorities did not find involvement of the other respondents.

Thereafter, the petitioner submitted another complaint before the Superintendent of Police, Barasat Police District alleging that on May 11, 2022 at around 5 p.m. when the petitioner was returning from Barasat Police Station after submitting a complaint against the respondent no.15, the said respondent threatened the petitioner.

It appears that an unsigned letter apparently issued by the petitioner, had been received by the police station and the police authorities tried to contact the petitioner over telephone and text messages, asking the petitioner to sign the said complaint. The police authorities visited the residence of the petitioner, but the petitioner was not available. The petitioner did not meet the police authorities. Such incident was registered as two general diaries, on June 4, 2022.

The press and electronic media upon interviewing the petitioner, circulated some news. The police authorities again called the respondent nos.13, 14 and 15 to the police station, for questioning. Those persons had made counter-allegations against the petitioner. The respondent no.15 had also filed a complaint case before the learned Chief Judicial Magistrate, Barasat, against the petitioner, alleging defamation. The petitioner thereafter, shifted to a different rented premises at Duttapukur.

With regard to the allegation against the Barasat Police Station, this Court is of the view that the police authorities had completed the investigation and had filed the charge-sheet. If the petitioner had been aggrieved with the contents of the charge-sheet and also with the exclusion of the names of the other respondents from the charge-sheet, the remedy of the petitioner was to approach the said learned court below by filing a Narazi Petition.

With regard to the allegation against the Duttapukur Police Station, it appears that on the basis of the complaints that several illegal activities were being carried on in the house of the landlady, Sikha Biswas, an enquiry was made. A general diary was registered. The police authorities have stated that the Assistant Sub-Inspector of Police, Mriganka Sikdar had called the petitioner over telephone, but the call was made in order to ascertain whether the contentions of Sikha Biswas and her son Balaram Biswas, were correct or not. The landlady had gone to the police station for necessary help and protection of the tenant premises as the petitioner had left the premises in an unlocked condition, leaving all his belongings therein. As the petitioner did not return to the tenanted premises and did not inform the landlady with regard to his whereabouts, the landlady approached the police authorities for help. Such incident was also registered as a general diary.

Under such circumstances, the petitioner's allegations against the police authorities, have not been substantiated. The Officer-in-Charge, Duttapukur Police Station shall keep

a vigil and conduct periodic patrolling around the petitioner's residence, so that no illegal activities can be carried on by any of the parties.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)