

S/L 1
8.6. 2022
Court. No. 19
sn

WPA 9301 of 2022

Purnankar Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Apalak Basu
Ms. Pritha Basu
Ms. Smita Mukherjee
Ms. Saheli Bose ... for the Petitioner

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee ... for the State.

Mr. Navanil De
Mr. Aranya Saha
Mr. Rajeswar Chakraborty
Mr. Srijan Ghosh
Mr. Subhrajit Dey ..for the respdts. 9&11

The writ petition has been filed challenging inaction on the part of the respondent no.5. It is alleged that investigation into the complaint lodged by petitioner against the respondent nos. 7 to 11, had not been done.

The writ petition is based on the allegations are that the respondent nos. 7 to 11 have cheated petitioner and committed theft. Further allegation is that the said respondents wrongly trespassed into the premises, which was in possession of the petitioner pursuant to an agreement for sub lease.

Mr. De, learned advocate for the respondent nos. 9&11 submits that the dispute arose out of an agreement to sub lease and as such no direction can be passed by the writ court at this stage. He further

submits that an arbitration proceeding is pending between the petitioner and the respondent no.7 with regard to the self-same property in question.

Mr. Banerjee, learned senior standing counsel submits that pursuant to the direction of the learned Magistrate in an application under Section 156(3) of the Code of Criminal Procedure, an F.I.R. was registered. Investigation was completed against the accused persons, named in the said application and a charge sheet has been filed.

It is the specific case of Mr. Banerjee that the petitioner had not mentioned the respondent nos. 9 to 11 as the accused persons in the said application and as such the investigation was done with regard to the allegations which were made against the respondent nos. 7&8.

Heard the learned advocates for the parties. It is not in doubt that the transactions arose out of an agreement to sub lease the property to the petitioner. However, there are allegations of cheating, forgery and theft etc. The petitioner approached the learned Magistrate under Section 156(3) of the Code of Criminal Procedure. The police authorities were directed to register an FIR and investigate. Upon completion of the investigation, the police authorities filed a charge sheet. If the petitioner is aggrieved with the investigation or with the contents of the charge

sheet, especially with the non-inclusion of names of the respondent nos. 9 to 11 in the same as the accused persons, the remedy of the petitioner would be to approach the competent criminal court for proper relief.

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.)