

S/L 19
24.06.2022
Court. No. 19
GB

WPA 16168 of 2022

Nasiruddin Molla
VS
The State of West Bengal & Ors.

*Mr. S.M. Ismail,
Mr. Anirban Tribedi.*

...for the Petitioner.

*Ms. Jayeeta Sinha,
Mr. Ranjit Rajak.*

...for the State.

*Mr. Bidish Ghosh,
Mr. Bitashok Banerjee.*

...for the Respondent Nos.8 to 11.

The petitioner alleges that the respondent nos.8 to 11 have been threatening the petitioner and are wrongfully claiming shares in the mining business of the petitioner. The allegation is that the petitioner and the respondent no.9 were friends. The petitioner trusted the respondent no.9 and handed over some documents to him. Taking advantage of the relationship and having access to the petitioner's documents, the respondent no.9 allegedly created a forged document in the nature of a business agreement between the petitioner and the respondent no.8.

The petitioner submits that the agreement was false and on the basis of such agreement, the respondents are continuously harassing and intimidating the petitioner, while claiming shares in the business.

Mr. Ghosh, learned advocate appearing on behalf of the respondent nos.8 to 11 submits that the documents are genuine. The petitioner is trying to avoid his part of the agreement and is denying the rightful share of the respondents.

The facts, which have been urged by the parties before this Court, indicate that the dispute is over the terms and conditions of an agreement entered into between the parties. One party asserts that the agreement was false, concocted and based on forged documents, whereas the other party asserts that the agreement was genuine and the petitioner was intentionally committing breach.

In any event, such dispute can be resolved only by a civil court. However, with regard to the allegations of threat and forgery, the police authorities have already taken steps and registered Margram PS Case No.124 of 2022 dated June 15, 2022 under Sections 420/467/468/471/506/34 of the Indian Penal Cod.

The writ petition is disposed of with a direction upon the police authorities to ensure that law and order is maintained and the investigation be reached to its logical conclusion within a period of three months from date of communication of this order. Correctness of the allegations of the parties have not been gone into by this Court.

Accordingly, the writ petition is dispose 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.)