

S/L 57
5.7.2022
Court. No. 19
sn

WPA 10334 of 2022

Bansi Badan Ghughu @ Pabitra Kumar Ghughu
Vs.
The State of West Bengal & Ors.

Md. Karim Warsi
Ms. Arpita Mondal
Md. Rahim Waris ... for the petitioner

Ms. Sonal Sinha
Mr. Abishekh Prasad ..for the State

Mr. S. Chakraborty
Mr. A. Halder ..for the respdts.5-8

The police report indicates the nature of the dispute and the documents which were seized, namely, transfer deeds and others. It appears that the police authorities have been making a roving enquiry. The investigation which has been initiated upon registration of Jagatballavpur Police Station Case no. 305 of 2019 dated November 8, 2019 under Sections 417/423/424/467/468/471/474/504/506/ 34/120B of the Indian Penal Code has not proceeded much. Another case which was registered on the directions of the learned Chief Judicial Magistrate being Jagatballavpur Police Station Case no. 69 dated April 25, 2021 under Sections 471/406/420/424/464/471/465/ 120B of the Indian Penal Code, is also pending.

This writ petition has been filed for directions upon the police authorities to take steps to complete

the investigation in Jagatballavpur Police Station Case no. 305 of 2019 dated November 8, 2019.

The police report does not indicate whether at all any attempt was made on the part of the police authorities to unearth the truth, even after the prayer for anticipatory bail of some of the respondents, had been rejected.

Mr. Chakraborty leaned advocate for the private respondents submits that allegations have been made about fabrication of deeds which were registered deeds. Unless the said deeds are set aside by a competent court of law, the question of the same being either manufactured or forged would not arise.

Heard the learned advocates for the respective parties. This Court is of the view that the dispute with regard to the correctness of the deed, shall be decided by a competent civil court, but when the police authorities have initiated the investigation by registering an F.I.R. vide Jagatballavpur Police Station Case no. 305 of 2019 dated November 8, 2019, the said investigation must be reached to its logical conclusion, without further delay.

Under such circumstances, this writ petition is disposed of with a direction upon the Superintendent of Police, Howrah Police District, to ensure that the investigation which had been initiated, is reached to its logical conclusion in a free, fair and impartial manner,

preferably within a period of three months from the date of communication of this order.

This order shall not be construed as an opinion on the correctness of deeds or on the rival claims of the parties with regard to the property in question. These issues shall be decided by the competent civil court.

This writ petition is disposed of .

The police report is taken on record.

There will be, however, 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.)