

01.07.2022
Court No. 19
Item no.60
CP

W.P.A. No. 10669 of 2022

Nitai Mondal
Vs.
The State of West Bengal & ors.

Mr. Sounak Bhattacharya
...for the petitioner.

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

Affidavit of service is taken on record.

The petitioner prays for an order upon the police authorities to register an FIR against the respondent nos. 4 to 7 and investigate. Further directions are sought for with regard to implementation of the order of ad-interim injunction. The petitioner relies on an order dated June 25, 2021, passed by the learned Civil Judge (Junior Division), 3rd Court, Baruipur in Title Suit No. 308 of 2021.

Learned senior standing counsel has filed a report in the form of instructions, from which it appears that the complaint of the petitioner was treated as an FIR and Kultali PS Case No. 93/22 dated February 24, 2022 under Sections 188/447/427/323/506/34 of the Indian Penal Code was started. After completion of the investigation a charge-sheet has been filed.

It further appears that pursuant to another complaint filed by the petitioner, Kultali PS Case No. 178/22 dated April 4, 2022 under Sections 188/447/379/427/506/34 of the Indian Penal Code had been registered. After completion of the investigation, a final report has been filed. With regard to further complaints of violation of the ad interim order of injunction, prosecution under Sections 107 and 116 (3) of the Cr.P.C. has been submitted against both the petitioner and the respondent nos. 4 and some others. The police report is taken on record.

Under such circumstances, the police authorities shall continue the vigil and ensure that neither of the parties commit any breach of the order of ad interim injunction until further orders that may be passed by the civil court.

The allegation of police inaction has not been substantiated.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)