

08.07.2022
Sl. No.76(ML)
srm

W.P.A. No. 11031 of 2022

Pritilata Singha & Anr.

Versus

The State of West Bengal & Ors.

Syed Mosihar Rahman

...for the Petitioners.

Ms. Chaitali Bhattacharya,

Mr. Subhendu Roychoudhury

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioners submit that out of anger and vengeance, the respondent Nos.5 to 8, had assaulted the petitioners. The dispute was over a land. A civil suit was filed by the petitioners and an order of injunction in the nature of *status quo* was also passed. It is alleged that, by violating the order of *status quo*, the respondent No.5 sold away the property to some third parties. Over such issue, an altercation took place and the petitioners were hurt.

The police report indicates that on the receipt of the information, an enquiry was made. The police authorities have accepted the contention of the petitioners that an altercation had taken place on a particular day. The petitioners claim that the respondent No.5 did not have

any right to sell the property to the respondent No.7, in the teeth of the injunction order passed in Title Suit No.382 of 2021.

Initially, prosecution under Sections 107/116(3) of the Code of Criminal Procedure was filed against the respondent No.8. Pursuant to the complaint of the petitioners, a further enquiry was made and Shyampur PC NCR No.294/22 dated March 25, 2022 under Sections 323/506 of the Indian Penal Code was filed against the respondent No.8.

With regard to the allegation of sale to third parties, etc., the petitioners are at liberty to approach the civil court for appropriate orders. However, as the police authorities have found that there had been an altercation and the respondent Nos.5 to 8 had committed simple injury, the writ petition is disposed of, with a direction upon the Officer-in-Charge, Shyampur Police Station to keep a sharp vigil and ensure that no further untoward incident takes place.

There will be no order as to costs.

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

(Shampa Sarkar, J.)