

12.07.2022
Court No. 19
Item no.102
CP

W.P.A. No. 11388 of 2022

Smriti Vishwas
Vs.
The State of West Bengal & ors.

Mr. S. Bhattacharyya
Mr. Debapriya Majumder
....for the petitioner.

Mr. Raja Saha
Ms. Piyali Sengupta
...for the State respondents.

Mr. Goutam Kumar Maity
Mr. Tanmay Chowdhury
Ms. R. Ghosh
....for the respondent nos. 5 to 14.

The petitioner alleges that the respondent nos. 5 to 14 have continuously assaulted the petitioner over a dispute with regard to property. Such assaults and intimidation resulted in serious damage to property and have also caused grievous injuries to the petitioner and her family members.

The apprehension of the petitioner is that unless the police authorities provide assistance and protection, the petitioner would be forcefully evicted from her property. It is the specific contention of the petitioner that the property of which the petitioner is in possession, was purchased from the respondent no. 11. Thereafter, the respondent no. 11 and the

other respondents continuously disturbed the peaceful possession of the petitioner in various ways, with the sole intention of evicting the petitioner and her children.

Mr. Choudhury, learned advocate appearing on behalf of the respondent nos. 5 to 14, submits that the petitioner does not have any right, title and interest in respect of the property in question. In any event, the disputes raised before this court ought to be decided by a civil court.

The police report has been filed before this court, from which it appears that Gaighata PS Case No. 15/22 was registered against the respondent nos. 5 to 10 on the basis of the complaint filed by the petitioner. Charge-sheet has also been filed after completion of the investigation under Sections 448/325/354B/506/34 of the Indian Penal Code. Thereafter Gaighata PS Case No. 454/22 dated May 21, 2022, was registered as per the directions of the learned ACJM, Bongaon on the basis of the complaint of the petitioner's son filed under Section 156(3) of the Cr.P.C. Investigation is in progress. Notice under Section 41A Cr.P.C. had been served. Raids were held, but the accused persons are absconding. The respondent nos. 7 to 14 are the accused in respect of the said case. The police report is taken on record.

Mr. Choudhury further submits that an application for anticipatory bail has been filed by the said accused persons, which is pending before the learned Sessions Judge, North 24 Parganas, Barasat.

It also appears that as many as 3 FIRs have been registered against the petitioner and her family members on the complaints lodged by the wife of the respondent no. 8 and the daughter of the respondent no. 11. Investigations are in progress.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to conclude the pending investigations in a free and impartial manner and reach the same to their logical conclusions.

The fact that FIRs have been registered, indicate that there have been certain untoward incidents, criminal in nature, which are under investigation. Thus, this court is of the view that any further incident of like nature, must be avoided and the police authorities shall maintain a vigil to ensure that further untoward incidents do not occur, over the enjoyment and ownership of the property.

The remedy of the parties to approach the civil court, is kept open.

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.)