

26.07.2022
Court No. 19
Item no.04
CP

W.P.A. No. 11429 of 2022

Dawood Khan
Vs.
The State of West Bengal & ors.

Mr. Debanik Banerjee
Mr. Steven S. Biswas
...for the petitioner.

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

Mr. Kallol Basu
Mr. Farooque Ali
Mr. Afsar Ali
....for the respondent no. 7.

Mr. Shahrukh Raja
....for the respondent no. 8.

The Officer-in-Charge, Karaya Police Station, had been directed to file a report before this court. It appears from the report that the allegation of non-implementation of the order of ad interim injunction passed by the learned civil court, does not survive. The ad interim injunction which was passed by the learned civil court, had been vacated subsequently. The police report is taken on record.

Next, it appears that the police authorities had visited the house of the petitioner in compliance with the direction of the learned Executive Magistrate,

passed in a proceeding initiated under Section 144(2) of the Cr.P.C., by the respondent no. 7. Apprehending breach of peace, the police authorities submitted a prosecution under Section 107 of the Cr.P.C. The petitioner was not available when the police visited the premises No. 100C, Karaya Road. The family members of the petitioner were asked to inform the petitioner about the order and to meet the police authorities. The petitioner did not comply with such direction.

With regard to the allegation that the police authorities had illegally detained the petitioner in the police station for about four hours, this court finds that a complaint has already been made before the Public Grievance Cell, in the office of the Commissioner of Police, Kolkata, and a complaint/ grievance has been registered. Thus, this court is of the view that the competent authority shall look into such grievance and take necessary remedial steps, in accordance with law.

This court has not gone into the merits of the allegation and counter-allegation by and between the parties. The police authorities shall not unnecessarily harass the petitioner.

This order shall not be construed as an embargo on the police authorities from taking steps in accordance with law in future, for any

investigation and if they receive information of commission of any offence or of breach of peace.

As no affidavit has been called for, allegations are deemed to have been denied.

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.)