

03.08.2022
Court No. 19
Item no.31 (ML)
CP

W.P.A. No. 11960 of 2022

Kalyani Kar
Vs.
The State of West Bengal & ors.

Mr. B. Chatterjee
Ms. Somoshree Saha
...for the petitioner.

Mr. Md. Galib
Mr. A. Santra
...for the State.

Mr. A. K. Bhattacharya
Mr. Mritunjay Saha
Mr. Dilip Kr. Mandal

...for the respondent nos. 4 to 6.

The petitioner claims to be a tenant in respect of the second floor of the premises No. 285/10, Jawpur Road, Dum Dum, Kolkata, comprising of three rooms, kitchen, a verandah and a toilet at a monthly rent of Rs.6500/-. It is alleged that the respondents who are the landlords and their agents continuously disturbed the petitioner and threatened the petitioner with dire consequences. Complaints have been lodged before the police authorities. It is alleged that the police authorities failed and neglected to take steps on the basis of such complaints. Hence, this writ petition has been filed.

Learned advocate for the respondent nos. 4 to 6 submits that a civil suit has been filed for eviction of the petitioner, before the learned Civil Judge

(Senior Division), 2nd Court at Barasat. It is submitted that in order to prejudice the civil suit the landlord has been entangled in various criminal proceedings.

The allegation of police inaction has been strongly denied by the learned advocate for the State respondents. It is submitted that the dispute between the petitioner and the landlord had been continuing for some time.

The respondent no. 4 filed an application before the learned Additional Chief Judicial Magistrate, Barrackpore against the petitioner under Section 156(3) of the Cr.P.C. Dum Dum Police Station Case No. 1196/21 was registered. The investigation was completed and a charge-sheet has been filed.

On the complaint of the petitioner under Section 156(3) of the Cr.P.C. before the learned Additional Chief Judicial Magistrate, Barrackpore, Dum Dum Police Station Case No. 883/20 dated November 29, 2020 under Sections 448/323/325/384/506 and 34 of the Indian Penal Code had been registered. The investigation was completed and a charge-sheet had been filed.

On the basis of the another complaint of the petitioner Nager Bazar Police Station Case No. 30/22

dated May 7, 2022 was registered and the investigation is going on.

Subsequently, the petitioner lodged a complaint dated September 7, 2019. Dum Dum Police Station Case No. 784/2019 was registered on the basis of such complaint and a charge-sheet has been filed. The police authorities have also kept a vigil and complied with the directions of the learned Executive Magistrate at Barrackpore by submitting a report in the proceedings under Section 144(2) of the Cr.P.C. It appears that prosecution under Section 107 of the Cr.P.C. was also submitted against the landlord and his associates.

The petitioner approached the Commissioner of Police, Barrackpore, and the police authorities have filed a report before the Commissioner.

Under such circumstances, the allegation of police inaction does not survive. The police authorities have taken steps in respect of each and every complaint that was filed by the petitioner. However, the police authorities shall keep a vigil, in order to maintain peace and tranquility. The police report is taken on record.

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.)