

S/L 154(ML)
19.07.2022
Court. No. 19
GB

WPA 12131 of 2022

Arindam Halder
VS
The State of West Bengal & Ors.

*Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Hare Krishna Halder,
Mr. Koushik Bhattacharya.*

...for the Petitioner.

*Mr. Sadhan Halder,
Mr. Avijit Sarkar.*

...for the State.

Ms. Debjani Mitra (Neogy).

...for the Respondent Nos.6 & 7.

*Mr. Mohit Gupta,
Ms. Ruby Mukherjee,
Mr. M.K. Roy.*

...for the Respondent Nos.8 & 10.

Although, the dispute arises out of a contractual relationship between the petitioner and the respondent nos.8 to 11, the Court is of the view that once the police authorities had registered a case being Rajarhat P.S. Case No.20 of 2020 dated January 16, 2020 under Sections 420/406/120B of the Indian Penal Code, the investigation must be concluded in a free, fair and expeditious manner.

It appears that several notices were sent to the FIR named accused persons under Section 41A of the Code of Criminal Procedure, but the said accused persons did not comply with the notices. The investigation also has not progressed. Statements of some witnesses under Section 161 of the Code of Criminal Procedure have been recorded, but no further steps have been taken.

The Registrar of Companies, West Bengal was requested by the police authorities to provide the data

regarding structure of management of the company, Vedic Realty Private Limited for the period of January 20, 2017 to February 6, 2017.

The learned advocate for the Vedic Realty Private Limited submits that they have already offered a flat to the petitioner and they do not have any intention to cheat the petitioner or commit any breach of trust.

However, the police authorities had sent several notices under Section 41A of the Code of Criminal Procedure, to competent officers of the company, but they did not cooperate with the investigation.

The investigation shall be conducted expeditiously and reached to its logical conclusion. The rights of the respondent/Vedic Realty and the other remedies available have not been gone into. The rights of the parties to approach the appropriate forum, are kept open.

The dispute between the petitioner and bank has not been decided in this proceeding.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)