

S/L 158
27.6.2022
Court. No. 19
sn

WPA 13546 of 2021

Momena Bibi
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Biswas
Mr.S. Hazra ... for the petitioner

Mr. D.N. Mukherjee
Mr. Manik Lal Dey ..for the State

Mr. Mrinal Kanti Ghosh ..for the respondent no.8

The petitioner alleges that the respondent no.8 forcefully entered into the shop room of the petitioner and removed all the materials and keys therefrom. Thereafter, the shop room was kept under lock and key and the police authorities colluded with the respondent no.8 in the process.

Mr. Ghosh, learned advocate for the respondent no.8 refuted such contention and submits that the petitioner and the respondent no.8 have their shop rooms next to each other in the premises. Out of personal vengeance, such allegations have been made against the respondent no. 8. He further submits that one Akash Sikdar, was the tenant in respect of the shop in question. In all probability, the tenant may have locked the shop room. He further submits that the tenant himself would have approached the police authorities, if he was aggrieved by the alleged conduct of the respondent No.8.

The police authorities have also found that the shop room had been let out to one Akash Sikdar.

On the basis of the complaint of the petitioner, Baruipur Police Station Case No. 1551 of 2021 dated September 5, 2021 under Section 447/448/379/34 of the Indian Penal Code, had been registered. The investigation was completed and the respondent no.8 was interrogated. The petitioner was also issued a notice under Section 160 of the Code of Criminal Procedure. After investigation, the investigating officer filed a final report, inter alia, stating that disputes was civil in nature.

Under such circumstances, the allegation of police inaction, does not survive.

The petitioner is at liberty to approach the learned Magistrate for further orders, in case he is aggrieved with the final report. It is the specific submission of the respondent no.8 that the police authorities had not affixed lock. The allegation of collusion with the police has been denied. The police report is taken on record.

This 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.)