

20.01.2022
Court No.13
Item No.11
pk

WPA 13632 of 2021

**Sk. Nizamuddin @ Shakir
Vs.
State of West Bengal and Ors.**

(Through Video Conference)

Mr. Arif Ali

... For the Petitioner.

Mr. Amitesh Banerjee,
Mr. Raja Saha,
Ms. Ipsita Banerjee

... for the respondents.

The writ petitioner is aggrieved that Narkeldanga Police Station has not registered FIR in respect of a complaint against the private respondents.

It is submitted that the private respondents had tried to occupy a particular room of the petitioner that was resisted by the petitioner's wife. In the scuffle that ensued the wife fell down on the ground and succumbed to death after a stroke.

Counsel for the State submits that FIR indeed was registered on the basis of the petitioner's complaint being Narkeldanga Police Station Case No. 253 of 2021 dated 8th September, 2021 under Sections 488, 427, 506, 380 and 34 of the Indian Penal Code.

The said investigation is pending. Let investigation into the subject FIR be completed within a period of 45 days from date.

The Investigating Officer shall consider the petitioner's submissions that Section 304 and 304A of the IPC must be included and investigated.

Insofar as the petitioner's grievance of unlawful occupation by the private respondents of a portion of his house, he may approach the civil court to seek remedies.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)