

10.08.2022
Court No. 19
Item no.86 (ML)
CP

W.P.A. No. 13627 of 2022

Srikanta Jana & anr.
Vs.
The State of West Bengal & ors.

Mr. K. C. Das
Sk. Sahjahan Ali
...for the petitioner.

Mr. Anit Kumar Das
Mrs. Rupsha Chakraborty
...for the State.

Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Narattam Acharyya
....for the respondent nos. 7,8 & 10.

Having considered the rival contentions of the parties and the submissions made by the learned advocates for the police authorities, it appears that there are cases and counter-cases. The dispute is with regard to grant of patta of certain lands.

The contention of the petitioners is that the respondent nos. 7 to 16 had attacked the petitioners, caused grievous hurt and outraged the modesty of the female members of the family.

It appears that on the basis of the complaint of the petitioner no. 2, Patashpur Police Station Case No. 358/22 dated June 16, 2022, under Sections 447/341/323/325/354/379/506/34 of the Indian Penal Code had been started. The investigation is in

progress. Notice under Section 41A of the Cr.P.C. had been issued to all the FIR named accused.

It is the contention of the petitioners that the FIR named accused persons are roaming around freely and continuing with the threat, but the police authorities have failed and neglected to arrest them. It is submitted that the offences and the sections which have been incorporated, do not require issuance of notice under Section 41A of the Cr.P.C.

Learned advocates for the respondent nos. 7, 8 and 10, submits that on the basis of the complaint of the said respondents dated June 9, 2022, Patashpur Police Station Case No. 340/22 had been registered against the petitioners. The investigation has been completed and charge-sheet has been filed. It is submitted that the complaint of the said respondents was prior to the one filed by the petitioner no. 2. The complaint of the petitioner no. 2 was a counterblast to the investigation initiated by the respondents. It is also submitted that the petitioners were claiming title in respect of the land beyond the area which was granted to them by way of a patta by the competent authority and such fact has been recorded in the order of the learned Executive Magistrate, inter alia, stating that the petitioner no. 2 had been claiming patta over 10 decimals, on the basis of forged documents.

Be that as it may, as the police authorities have already registered an FIR and had started an investigation on the basis of the complaint filed by the petitioner no. 2, this court is of the view that the said investigation must be conducted in a free, fair and impartial manner and reached to its logical conclusion.

The police authorities will also keep a vigil in order to ensure that further altercations do not take place between the parties and peace is maintained.

The issue with regard to the title and the area of the land given by patta, etc. shall not be decided by the police authorities.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)