

S/L 6  
10.08.2022  
Court. No. 19  
GB

WPA 14867 of 2022

Debutter Estate Sri Sri Iswar Gopal Jew,  
Represented by Arun Kumar Seal  
VS  
The State of West Bengal & Ors.

*Mr. Abdul Hadi,*  
*Mr. A. Roy,*  
*Mr. J.K. Paul*

*...for the Petitioner.*

*Mr. Subhabrata Datta,*  
*Mr. Banibrata Datta.*

*...for the State.*

*Mr. Indranath Mukherjee,*  
*Mr. Prasenjit Saha.*

*...for the Respondent Nos.6 to 8.*

Affidavit-of-service and supplementary affidavit filed  
in Court today, be kept with the record.

The petitioner alleges police inaction. It is specifically contended that despite complaints having been raised before the Officer-in-Charge, Muchipara Police Station, no steps have been taken against the respondent nos.6 to 10. The petitioner relies on the trust deed and other documents in order to show that the petitioner is the manager of the said debutter property and a trustee. It is alleged that the respondent nos.6 to 10 have been disturbing the possession of the petitioner as also the day to day administrative work of the petitioner. Reliance has been placed on several resolutions of the said trust in order to substantiate the claim of the petitioner as the manager of the debutter property.

Mr. Mukherjee, learned advocate appearing on behalf of the respondent nos.6 to 8 submits that on the specific complaint of the respondent no.5, Muchipara Police Station

Case No.08 dated January 13, 2022 under Sections 509/506 of the Indian Penal Code was registered against the petitioner and the investigation is going on. It is next contended that Title Suit No.1594 of 2022 has been filed by Smt. Anjana Dey and Sri Abhishek Dey before the learned Judge, 13<sup>th</sup> Bench, City Civil Court at Calcutta and an ad interim order of injunction has been passed directing the parties to maintain status quo with regard to the right, title and possession of the suit property. He further submits that with regard to the Muchipara Police Station Case No.70 dated April 8, 2022, the accused persons therein, have obtained bail.

The police report is taken on record. It appears that on the basis of the complaint of the petitioner and the order passed in the proceeding under Section 144(2) of the Code of Criminal Procedure, prosecution under Section 107 of the Code of Criminal Procedure has been submitted. The dispute appeared to the police authorities to be between the siblings and the learned Executive Metropolitan Magistrate, 10<sup>th</sup> court at Calcutta had directed the parties to settle the dispute amicably. Police authorities were directed to maintain peace, tranquility and harmony between the parties. It also appears from the police report that on the application filed by the petitioner before the learned Additional Chief Metropolitan Magistrate, 2<sup>nd</sup> Court at Calcutta under Section 156(3) of the Code of Criminal Procedure, Muchipara Police Station Case No.70 dated April 8, 2022 under Sections 114/120B/406/420/383/441/447/506/502/509/34 of the

Indian Penal Code was registered. Investigation is still in progress and the police authorities believe that the said investigation shall soon be reached to its logical conclusion.

Under such circumstances, this Court directs that the investigation, which is pending on the basis of the complaint filed by the petitioner, shall be reached to its logical conclusion in accordance with law. As a civil suit is pending before the learned Judge, 13<sup>th</sup> Bench, City Civil Court at Calcutta, the prayer of the petitioner for implementation of the resolutions of the trust, has to be made in the pending suit and not before this Court.

In any event, it appears that an order of status quo with regard to the right, title and possession of the suit premises has been passed by the learned civil court. The petitioner is also protected by the order of the learned civil court.

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.)**