

25.08.2022
Sl. No.187(ML)
srm

W.P.A. No. 15209 of 2022

Baram Deo Singh

Versus

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar,
Mr. Munshi Ashiq Elahi,
Ms. Sucheta Pal

...for the Petitioner.

Mr. Subhabrata Datta,
Mr. Subhabrata Das

...for the State-respondents.

Syed Nurul Arefin,
Mr. Rahul Singh

...for the Respondent No.7.

Affidavit-of-service is taken on record.

The petitioner alleges inaction of the Officer-in-Charge, Tiljala Police Station. It is alleged that no steps were taken on the complaint lodged by the petitioner against the respondent No.7. It is the contention of the petitioner that the police authorities are not taking adequate steps to enquire into the complaint and prevent further threats, which are being posed by the respondent No.7. It is submitted that the petitioner had entered into an agreement for sale with the respondent No.7 but the respondent No.7 did not honour his part of the agreement and two cheques, which had been

issued by the respondent No.7, had been dishonoured. The petitioner wants to develop the property by inducting a third party. It is alleged that the respondent No.7 is preventing the petitioner from doing so and the police authorities must come to the aid of the petitioner.

The learned Advocate for the respondent No.7 submits that the respondent No.7 filed a complaint against the petitioner and Tiljala Police Station Case No.186 dated July 14, 2022 has been registered against the petitioner under Sections 420/406/506/120B of the Indian Penal Code. The investigation is in progress. The respondent No.7 alleged that an amount of Rs.79,00,000/- had been paid to the petitioner, but the petitioner did not execute the deed of sale. It is further submitted that the petitioner had sold an encumbered property to the respondent No.7. The respondent No.7 also submits that after the cheques were dishonoured, the said payment had been subsequently made.

The learned Advocate for the petitioner disputes all the contentions of the respondent No.7.

Perused the police report. It appears that on the basis of the complaint of the petitioner, Tiljala Police Station Case No.187 of 2022 dated June 14, 2022 under Sections 420/406/506 of the Indian Penal Code has been registered and

the investigation is in progress. The petitioner was served a notice under Section 91 of the Code of Criminal Procedure. The petitioner did not respond.

The police authorities shall act and proceed in accordance with law. The prayer of the petitioner to permit the petitioner to develop the property with police help and by inducting a third party, cannot be allowed by this Court.

The petitioner's remedy, if any, is before the civil court and in accordance with law.

The writ petition is disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)