

S/L 48
6.6. 2022
Court. No. 19
sn

WPA 18203 of 2021

Mucha Dhali
Vs.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Iqra Rahaman

... for the Petitioner

Mr. Animesh Mukherjee
Md. Ali Ahasan

..for the respdts.6-8

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... for the State.

This matter has been moved alleging inaction on the part of the Inspector-in-Charge, Hansabad Police Station, in concluding the investigation that was initiated pursuant to the complaint filed by the petitioner.

The allegations are against the respondent nos. 6 to 17. It also appears that a civil suit is pending between the parties before the learned Civil Judge,, Junior Division, Basirhat, being Title Suit No. 122 of 2020. An order of injunction was passed by the learned Civil Judge, which had been extended from time to time.

A writ petition being WPA 16725 of 2021, was also filed before this Court, with a prayer for a direction upon the police authorities to ensure that the

order of injunction passed by the learned Civil Court was complied with.

The petitioner was successful in obtaining an interim order in the said writ petition.

In this writ petition, it is prayed that the police authorities may be directed to proceed with the pending investigation and bring the same to its logical conclusion.

Mr. Mukherjee, learned advocate for the respondent nos. 6 to 8 submits that the earlier writ petition had been filed on the self-same cause of action and this writ petition should not be entertained. He further submits that the dispute between the parties is in civil in nature and no order should be passed.

Mr. Datta, learned advocate for the State respondents submits a report prepared by the Inspector of Police, Hansbad Police Station dated November 23, 2021. The same is taken on record. It appears that the police authorities had already initiated an investigation pursuant to the order of this Court by registering an F.I.R. Some persons were arrested and some of the accused persons were absconding. The police authorities are taking steps to apprehend them.

Under such circumstances, as the police authorities have already taken steps on the basis of the complaint of the petitioner, this writ petition is

disposed of without any expression on the merits of claims and counterclaims of the parties with regard to the nature of the dispute, but with a direction upon the police authorities to conclude the investigation expeditiously, if not already done, preferably within a period of four months from date.

It is made clear that the police authorities shall act independently and this Court has not expressed any view with regard to the allegations made by the petitioner against the respondent nos. 6 to 17.

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.)