

03.11.2022.
Court No.13
Item No. 22
ap

W.P.A. No. 8699 of 2020

**Shri Deep Jyoti Banerjee
Versus
The State of West Bengal & Ors.**

Mr. Aniruddha Chatterjee,
Mr. Pawan Kumar Gupta,
Ms. Sofia Nesan,
Mr. Santanu Sett.

...For the petitioner.

Mr. Partha Pratim Roy,
Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by the alleged
inaction on the part of Jorabagan Police Station to
investigate into FIR No. 111 of 2020 dated 26th June,
2020, inter alia, under Sections 448/380/114 of the
Indian Penal Code.

The writ petitioner alleged that the private
respondents have illegally trespassed into his property.
Reliance is placed on the police enquiry report since
the accused could not produce any document to
support his claim.

It appears from the report of Jorabagan Police
Station dated 6th November, 2020 that the accused has
filed a complaint which has been registered as FIR No.
128 of 2020 dated 20.08.2020 under Sections

120B/420/403/467/468/471/406 of the Indian Penal Code against the petitioner.

The accused states that the petitioner had originally agreed to sell the property to him and has subsequently refused to do so.

It further appears from the report of Jorbagan Police Station that charge-sheet No. 114 dated 10th October, 2020 has been filed in respect of the petitioner's FIR.

This Court is of the view that there is no inaction on the part of the police.

It is expected that investigation into all pending FIRs is completed expeditiously. The remedy of the petitioner is to seek appropriate relief against the private respondents from the Civil Court.

Since no affidavit has been called for, the allegations made in the writ petition are deemed not to have been admitted, by the respondents.

With the aforesaid observations, the instant writ petition shall stand disposed of.

The instructions of Officer-in-charge, Jorabagan Police Station dated 6th November, 2020 addressed to the State Advocate be taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

