

S/L 1
17.6.2022
Court. No. 19
sn

WPA 11446 of 2020

M/s. Naviya Real Estate Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Suresh Sahani
Mr. Soumik Ghosh
Ms. K. Bose ... for the petitioner

Mr. T.M. Siddique ..for the State

Mr. Jishnu Chowdhury
Mr. N.Balia
Ms. A. Jain .for the respdts.6-9

The petitioner is aggrieved by the lackadaisical attitude of the investigating agency in respect of an on going investigation, being Park Street Police Station Case no. 142 of 2018 dated October 5, 2018 under Section 420/467/468/120 of the Indian Penal Code.

It appears that the petitioner attempted to file a complaint before the Park Street Police Station. On the refusal of the police authority to register an F.I.R., an application under Section 156(3) of the Code of Criminal Procedure was filed before the learned Chief Metropolitan Magistrate at Kolkata. Pursuant to the direction of the learned Magistrate, an F.I.R. was registered and the investigation was started.

It is submitted by the petitioner that the offences are of such nature, that the investigation could easily have been concluded, far more expeditiously. Reference is made to Section 173(1) of the Code of Criminal Procedure.

Learned advocate for the respondent nos.6 to 9 submits that they have not yet received any notice under Section 41(A) of the Code of Criminal Procedure. It appears that notices under Section 160 and Section 91 of the Code of Criminal Procedure were also served upon the petitioner. The FIR was registered in 2018, but the investigation is still pending. There is no explanation for the delay.

Under such circumstances, this writ petition is disposed of with a direction upon the Officer-in-Charge, Park Street Police Station to take steps to conclude the investigation within a period of three months from the date of communication of this order.

The Deputy Commissioner of Police (South Division) shall monitor the investigation and ensure that the order of this Court is complied with.

This Court has not gone into the merits of the allegations against the respondent nos.6 to 9 and the investigating agency shall conduct the investigation judiciously, impartially and independently.

Accordingly, this 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.)