

26.08.2022
Court No. 19
Item No. 1.
CP

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA 2236 of 2022

Manotosh Sarkar
Vs.
The State of West Bengal & ors.

Mr. Asis Bhattacharya
...for the petitioner.

Mr. Sabir Ahmed
....for the respondent nos. 5 & 6.

The petitioner submits that there was an oral agreement between the petitioner and the respondent no. 5 with regard to the purchase of certain land. The respondent no. 5 being the father-in-law of the petitioner had taken Rs.7,50,000/- from the petitioner, for the said purpose. The petitioner alleges that thereafter, the respondent no. 5 did not return the money.

Learned advocate for the respondent nos. 5 and 6 submits that the respondent no. 6 was tortured by the petitioner. Respondent no. 6 is the wife of the petitioner. She lodged a complaint against the petitioner under Section 498A read with Section 3 and 4 of the Dowry Prohibition Act on December 12, 2021. On the basis of such complaint, Tufanganj

Police Station Case No. 862 of 2021 was registered against the petitioner and his family members. As a counter-blast to such proceeding, the complaint has been filed with the Officer-in-Charge, Tufanganj Police Station, Cooch Behar. It is urged that this is a family dispute and, as such, the question of registering an FIR against the respondent nos. 5 and 6 would not arise.

Having heard the learned advocates for the respective parties, this court does not find from the records, that the petitioner has been able to establish before this court that a transaction had taken place between him and the respondent no. 5. The petitioner is at liberty to take recourse to the provisions of Section 156(3) of the Cr.P.C.

This court has not gone into the merits of the claims and counter-claims of the parties. The complicity of the respondent nos. 5 and 6 in the alleged illegal act, has neither been determined nor adjudicated.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)