

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

06.12.2022
Sl. No.54(DL)
srm

W.P.A. No. 3089 of 2022

Banabasi Kabiraj

Versus

The State of West Bengal & Ors.

Mr. Jaydeep Kanta Bhowmik

...for the Petitioner.

Mr. Subir Kumar Saha,
Ms. Bedashruti Bose

...for the State-respondents.

The writ petition has been filed alleging inaction of the police authorities. Over a dispute with regard to a shop room, the petitioner filed a complaint with allegations of commission of certain offences. The complaint was filed by the petitioner before the Officer-in-Charge, New Jalpaiguri Police Station, District-Jalpaiguri.

On the basis of the complaint, New Jalpaiguri Police Station Case No.680 of 2022 dated June 29, 2022 under Sections 448/323/354B/379/506/34 of the Indian Penal Code, was registered.

The petitioner alleges that the investigation has been slow and did not progress at all.

The police authorities have filed a report. It appears that the investigation had been completed and a charge sheet was filed *vide* New Jalpaiguri Police Station Charge Sheet No.923 of 2022 dated September 30, 2022 under Sections 448/323/354B/506/34 of the Indian Penal Code. During the course of investigation, the statements of available witnesses were recorded under Section 161 of the Code of Criminal Procedure. Two of the FIR named accused persons were arrested. Notices were issued to the other accused persons. Those accused persons surrendered before the learned Magistrate and were released on bail.

The police report is taken on record.

Under such circumstances, the Court does not find that this is a case of inaction of the police authorities. The police authorities have completed the investigation.

With regard to the prayer of Mr. Bhowmik, learned Advocate appearing on behalf of the petitioner for further direction upon the police authorities to ensure that the business of the petitioner does not suffer, this Court is of the view that as a civil suit is pending over the dispute with regard to running the shop room, such prayer cannot be

granted. As such, it is not for the police authorities to take any action to facilitate the business of the petitioner. The police shall maintain peace and tranquility and ensure that no untoward incident takes place.

The writ petition is disposed of.

The petitioner shall be at liberty to proceed before the learned court below, in accordance with.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)