

03.02.2023  
Court No.13  
Item No.21  
pk

**WPA 2389 of 2023**

Ranjit Mallik @ Ranjit Mallick and another  
Vs.  
State of West Bengal and others

Mr. Uday Sankar Chattopadhyay,  
Mr. Rishav Gupta  
... for the petitioners

The writ petitioners are aggrieved by investigation into Kharagpur(L) P. S. Case No. 931 of 2022 dated 19.11.2022 registered under Sections 341,323,307,506 and 34 of the IPC and Sections 3(1) (r)(s) 3(2)(v-a) SC&ST (POA Act), 1989.

Counsel for the writ petitioners submits that the FIR and several other similar complaints against the petitioners are a result of a long standing land dispute between the petitioners and the private respondents.

In the facts and circumstances of the instant case and having considered the report of the Police Station, this Court is of the view that the writ petition may not be entertained in respect of the said FIRs.

The Court has no dispute with the argument of the counsel for the petitioners that the writ petition is maintainable under Article 226 of the Constitution of India. However, as to whether in the particular facts and circumstances of the case, the writ petition

should be entertained or not is a completely different issue.

As regards the other argument of the learned counsel for the petitioner that notice under Section 41A of the Cr. P. C. ought to have been issued, this Court, at this stage, is not inclined to entertain the same since no serious prejudice as yet has been caused to the petitioners.

Since apart from the other grounds urged in the writ petition there is a prayer to quash the FIR-in-question and the petitioners also question the inclusion of Section 307 of the IPC in the FIR, this Court is of the view that the petitioner may avail the remedies under the provisions of the Cr. P. C.

The report of Sub-Divisional Police Officer, Kharagpur and I.O. of the case dated 01.02.2023 is taken on record.

The writ petition is disposed of.

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.)**