

13.03.2023
Court No.13
Item No.27
AP

WPA 4382 of 2023

**Santosh Mondal
Vs.
The State of West Bengal and Ors.**

Mr. Debnath Ganguly
Mr. Aranya Saha
Mr. Supriyo Dutta
Ms. Aishwarya Protihar Ganguly

... For the petitioner.

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee

... For the State.

The petitioner is aggrieved by investigation into FIR being Raidighi PS Case No.290/2022 dated 11th May, 2022. It is submitted that in a charge of forgery of title deeds, the investigating officer of the Raidighi Police Station has not obtained the original documents, which are lying with a Civil Court in connection with Civil proceedings. The signatures have not been sent to any expert.

Mr. Banerjee, learned senior counsel for the State, has produced instructions of the Inspector-in-Charge, Raidighi Police Station, Sunderban Police District dated 2nd March, 2023 and the same is taken on record.

It appears from the report that the accused persons have obtained anticipatory bail.

Counsel for the petitioner complains that he has not received notice under Section 91 of the CrPC.

The police have completed the investigation and have stated that the dispute is civil in nature.

Since the concerned Magistrate found sufficient materials to direct registration of FIR, the petitioner ought to have applied before the Magistrate to ensure that the investigation is monitored and appropriately directed.

The petitioner may, therefore, approach the Magistrate against the final report of the Raidighi Police Station in the instant case inter alia under Section 173(8) of the CrPC.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)