

21.03.2023
Court No.13
Item No.19
AP

WPA 5946 of 2023

Ruma Sarkar and Ors.

Vs.

The State of West Bengal and Ors.

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Sk. Saidullah
Mr. Mithun Mandal
Mr. Md. Arsalan

... For the petitioners.

Mr. Amitesh Banerjee
Mr. Tarak Karan

... For the State.

Mr. Biswajit Hazra
Mr. Archisman Sain

... For the respondent No.4.

The petitioners complain that the private respondents are threatening and intimidating them and asking them to return money.

The private respondents submit that the petitioners obtained Rs.16 lakhs and odd promising government jobs to them. Upon failure on the petitioners part to provide such job, the private respondents had promised to return the money and executed a document in this regard. The cheques paid towards such consideration have bounced.

The private respondents had instituted proceedings under Section 156(3) of the CrPC and the ACJM, Kolkata had directed Shyampukur Police Station to register an FIR. Such FIR by the Shyampukur Police has been quashed for want of jurisdiction by a

coordinate Bench of this Court on 8th April, 2021 in CRR 1454 of 2020.

It is now well-settled that if a complaint is filed before a wrong police station, the same is required to be transferred to the police station having jurisdiction after registration of a zero FIR.

In the above circumstances, Ultadanga Police Station may register an FIR in respect of the private respondents' complaint and grievance as contained in the application under Section 156(3) of the CrPC.

The private respondents shall abide by law and shall not in any way harass or communicate with the petitioners.

Lake Town Police Station, to which the petitioners have addressed complaint, and allege inaction, is represented by Mr. Banerjee.

It is submitted that an enquiry has been made and the allegations have not been substantiated. The petitioners may take steps in accordance with law.

However, the Lake Town Police shall respond to any further complaint from the petitioner and/or his daughter against private respondents and take appropriate steps in accordance with law. The police shall ensure that there is no breach of peace around the petitioners or their residence.

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.)