

05.04.2023
Court No.13
Item No.21
AP

WPA 6412 of 2023

**Pradip Sinha and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Ranjan Kumar Roy
Mr. Ranajit Roy

... For the petitioners.

Mr. Sk. Md. Galib
Mr. Kapil Guha

... For the State.

Mr. A. Banerjee
Ms. Roshni Kalam

... For the Private Respondent Nos.4 & 5.

The petitioners are aggrieved by alleged inaction of the Manicktala and Amherst Street Police Stations.

It is complained that the private respondents/son and daughter-in-law have assaulted the petitioner No.2, when she went to visit a flat purchased by her at Manicktala. The petitioners claim to have entered into an agreement for sale with the promoter of the property and had paid sums of money.

According to counsel for the petitioners the son has forcibly occupied the said flat and is residing thereat with his wife and in-laws. A complaint has been lodged with the Manicktala Police Station as regards the assault on the petitioner No.2. The petitioners complain of inaction on the part of the police.

Learned counsel for the State has produced reports of both the Police Stations and are taken on record.

It appears from the reports that FIR being Manicktala Police Station Case No.159 dated 2nd July, 2022 under sections 341, 323, 427 of the IPC has been registered against the son. The investigation into the FIR is on. The son is on bail.

Manicktala Police has also registered another FIR being Manicktala Police Station Case No.160 dated 2nd July, 2022 under Sections 498A, 34 of the IPC and under the provisions of the Dowry Prohibition Act against the petitioners. The investigation into this FIR is also on.

It is ordered that the investigation into the aforesaid FIRs be completed as expeditiously as possible preferably within a period of two months from date.

Amherst Street Police Station has also considered complaint of the petitioners against the son for defalcation of sums of money from the family business.

The police are of the view that the dispute is purely civil in nature. The petitioners may take appropriate steps inter alia under section 156(3) of the CrPC in this regard.

In so far as the prayers made for eviction of the private respondents/son and daughter-in-law from the said premises, and for refund of the money allegedly misappropriated by the son, this Court is of the view

that such prayers cannot be maintained in a writ petition.

With the aforesaid directions, the writ petition is 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.)