

WPA 7967 of 2023

Pradip Tewari

-vs-

State of West Bengal & ors.

Mr. Sabyasachi Chatterjee

Mr. Omar Faruk Gazi

Mr. Badrul Karim

....for the petitioner

Mr. Asim Kr. Ganguli

Mr. Subrata Das Gupta

..for the State

Mr. Sounak Bhattacharya

Mr. Tirthankar Mukherjee

Ms. Madhurima Sarkar

Ms. Jaya Chowdhury

...for respondent nos. 8 to 10

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to register an FIR on the complaint dated 24.02.2023 made by the petitioner and to arrest the miscreants.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a recorded tenant in respect of a property of the Estate Manager, Murshidabad Estate. But the Estate Manager by abusing his powers used to accept the rent to be paid to the Estate Manager in his

personal account. This also applied to the salami offered by the petitioner. On the contrary, the WBCS officer himself started lodging FIRs against the present petitioner. Although his complaints were entertained, the complaint made by the petitioner was not recorded as a First Information Report by the local police. The petitioner approached the Superintendent of Police, but in vain.

Learned counsel appearing on behalf of the respondent nos. 8 and 10 denies the allegations and submits that the petitioner has already filed a complaint before the concerned jurisdictional Magistrate and an order has been passed under Section 202 of the Code to enquire into the matter.

Learned counsel appearing for the State relies on the report and submits that pursuant to an order passed by the learned Magistrate, the police authorities have inquired into the matter and have already submitted a report before the learned Magistrate vide D.R. No. 294/23 dated 12.01.2023.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that after making complaints before the local police station and the Superintendent of Police, the petitioner approached the learned jurisdictional Magistrate with a petition of complaint. The same is treated as a complaint case. An inquiry was directed by the learned Magistrate under Section 202 of the Code. The inquiry report has also been filed by the police authorities. Now, it is for the

learned Magistrate to decide upon the issue after considering the report in question.

In view of the above, I do not find that a case has been made out for intervening into the matter.

Accordingly the writ petition is disposed of without costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)