

13.04.2023  
Item No.46  
gd/ssd

MAT/632/2023  
IA NO: CAN/1/2023  
ANIRBAN BASU  
VS  
LAKSHMI ORAON AND ORS.

Mr. Bikash Ranjan Bhattacharya,  
Mr. Rabi Sankar Chattopadhyay,  
Mr. Uday Sankar Chattopadhyay,  
Mr. Suman Sankar Chatterjee,  
Mr. Santanu Maji,  
Ms. Snigdha Saha,  
Ms. Trisha Rakshit,  
Ms. Rajarshree Tah  
..for the Appellant.

Mr. Ashim Kr. Ganguly,  
Mr. Bellal Shaikh  
..for the State.

Mr. Simanta Kabir,  
Mr. Tirthankar Murmu,  
Mr. Nirjhar Nath,  
Mr. Avik Pramanick  
..for the Respondent No.1.

Mr. Manabendranath Bandyopadhyay  
..for CBI.

1. This intra court appeal is directed against the order dated 29.03.2023 in WPA 3435 of 2023 by which various directions have been issued and the CID, West Bengal was directed to register an FIR.

2. On going through the prayer sought for in the writ petition we find such a prayer is not maintainable because the petitioner seeks for a Writ of Mandamus to direct the 4<sup>th</sup> and 5<sup>th</sup> respondent in the writ petition to treat the writ petition as an FIR and start a specific case. Such a prayer is not

maintainable. In any event, the complaint has been taken on file and FIR has been registered, investigation has been conducted and the matter is being proceeded further. Therefore, in any event, the Court cannot at the very threshold direct the respondent police to register an FIR as it is the respondent police who on receipt of a complaint have to conduct an investigation and upon satisfaction that offence being committed a case has to be registered. Therefore, at this juncture, no positive direction is to be issued to any investigating agency and it should be left to the investigating agency to take up the matter further.

3. With the above observation, the appeal stands disposed of.

**(T. S. SIVAGNANAM)**  
**ACTING CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**