

WPA 9531 of 2023

Jamuna Prasad

-vs-

State of West Bengal & ors.

Mr. Biswarup Biswas

Mr. Sk. Humayan Reza

....for the petitioner

Mr. Rajarshi Basu

Mr. Abu Siddique Mallik

...for the State

Supplementary affidavit filed on behalf of the petitioner is taken on record.

A copy of the same has been supplied to the learned counsel for the State.

Learned counsel for the petitioner submits as follows. The petitioner is the owner of the property in question. To grab that property, the private respondents who are his son, daughter in law and grandson have been threatening and intimidating her. They assaulted her with such severity that her eye was seriously damaged. Copies of medical documents in this regard have been annexed with the supplementary affidavit.

Learned counsel appearing on behalf of the State submits as follows. The police authorities shall consider the documents regarding the injury allegedly suffered by the petitioner to decide whether to lodge an FIR or not.

Let the respondent authorities consider the petitioner's complaint along with the copies of medical papers annexed with the supplementary affidavit to decide whether to register an FIR or not.

In any event, the petitioner has the option of going ahead in terms of the decision in Aleque Padamsee's Case, (2007) 6 SCC 171.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)