

26.06.2023
Item No.23
RP/AN
Ct. No.1

W.P.A.(P) 300 OF 2023

**ANARUL HOQUE
VS
STATE OF WEST BENGAL & ORS.**

Mr. Ayan Kumar Boaral
Mr. Mrinmoy Mohan Borat
Mr. Anisur Rahaman
.....for petitioner

Mr. Samarat Sen, Ld. AAAG
Ms. M. Ali
.... For State

The petitioner complains of inaction by the respondent police on a complaint lodged by the petitioner alleging that violence has been committed against the petitioner and others, their houses have been demolished and they are prevented from entering the village etc. Some of the villagers have filed petitions before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, being Misc. Case No.123 of 2023, Misc. Case No.124 of 2023, Misc. Case No.125 of 2023 and Misc. Case No.126 of 2023 and the learned Additional Chief Judicial Magistrate after taking note of the decision of the Hon'ble Supreme Court in the case of Lalita Kumari vs. State of UP has observed that registration

of FIR is mandatory and in the event of any staff found who have deliberately refused to register the FIR, he shall be liable to appropriate proceedings in the light of the judgment of the Hon'ble Supreme Court. Further, the Court observed that prima facie the applications disclose cognizable offence and it is just and proper to call for a report from the Officer-in-Charge, Suti to ascertain whether they have already initiated action over the complaint given to them or not to avoid multiplicity of proceedings. Further, he was requested to conduct an inquiry if the application is made before the duty officer which resulted in inaction.

Learned advocate appearing for the respondent/State submits that there is a problem between a clan of people of same village and there are as many as 32 cases are pending.

In any event, when there is a direction issued by the learned criminal Court the police authorities have to comply with it. Therefore, we direct the fourth respondent to register a FIR and enquire into the matter and proceed in accordance with law and if FIR has already been registered the same shall be investigated and the matter shall be taken to its logical conclusion. The cases lodged by the private respondents have also to be investigated and finality be arrived at. Superintendent of Police, Murshidabad

is directed to ensure prompt compliance of this direction.

With the aforesaid direction, this writ petition is **disposed of.**

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)