

14 05.07.2023
NB Ct. 14

WPA 14505 of 2023

Bidyut Roy
Vs.
The State of West Bengal & Ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Srabanti Das,
Ms. Neha Singh.
...for the petitioner.

Mr. Ankit Agarwala,
Mr. Subir Debnath,
Ms. Roma Roy.
...for the respondent nos.6.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to recover a sum of Rs.39,00,000/- cheated by the accused.

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

No one appears on behalf of the State,

Learned counsel appearing on behalf of the petitioner submits as follows. As would appear from the letter of complaint, the private respondent was working as an employee in the post of Manager at the petitioner's shop of steel furniture at a salary of about Rs.15,000/- per month. The said private respondent left the said shop on 26.07.2022 without any notice and suddenly opened a shop of steel fittings at Badkulla Bazar, Nadia. Actually, the private respondent has cheated the petitioner of a sum of Rs.39,00,000/- with the help of which he was able to come up with the shop. As the police did not respond to the complaint made by the petitioner, the petitioner also wrote to the Superintendent of Police. But, the

Superintendent of Police refused to accept service. Accordingly, it is prayed that this Court would pass a direction to recover the said sum of Rs.39,00,000/- from the private respondent.

Learned counsel for the private respondent submits as follows. No prima facie case is made out as would be evident from a plain reading of the letter of complaint. Quite rightly the police did not react. The petitioner cannot ask this Court to act as a recovery agent of any individual, If the petitioner is at all aggrieved, he ought to approach the relevant jurisdictional Civil Court. The petition is actuated with pent up jealousy that the petitioner had for his employee.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

From a plain reading of the letter of complaint, it is abundantly clear that no prima facie case is made out.

The petitioner has simply alleged that the private respondent had cheated him of Rs.39,00,000/-. There is no whisper about the manner in which such purported cheating took place. It is true that an FIR need not be an encyclopedia of all facts. Yet, the bare minimum should be stated to make out a prima facie case.

In any event, for recovery of money, the private respondent ought to file a money suit, if at all a case is made out for the same.

Therefore, I do not find any merit in this application.

Accordingly, the same is rejected.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)