

31.01.2023.
Court No.13
Item No. 527
ap

W.P.A. No. 16521 of 2021

**Asim Halder
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya.

...For the petitioner.

Mr. Ravi Kumar Dubey,

Mr. Nilanjan Adhikari

..For the respondent nos.9 to 12.

The petitioner complains that the private respondents, in connection with a dispute with regard to a pathway, have beaten up and have also outraged the modesty of his wife.

Counsel for the private respondents denies any allegation of this nature and submits that there are proceedings under Sections 144 and 147 of the Code of Criminal Procedure in which the Executive Magistrate has passed certain orders.

This Court is of the view that the disputes between the petitioner and the private respondents are purely civil in nature and appropriate civil proceedings may be taken out in this regard.

In so far as the allegation of non-cognizance of the petitioner's complaint, this Court is of the view that the petitioner may approach the jurisdictional Magistrate under Section 156(3) of the Code of Criminal Procedure.

The Officer-in-charge, Mandir Bazar Police Station, Sundarban Police District shall, however, ensure that there is absolutely no breach of peace in the area and shall maintain strict vigil thereat.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)