

24.07.2023
Item No. 14
BR

WPA 15715 of 2023

Dheeraj Kumar Mishra
-VS
The State of West Bengal & Ors.

Mr. Ranajoy Chattjerjee,
Mr. Tamal Singha Roy
.... For the Petitioner

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das
.... For the Respondent no. 6

Mr. Asim Kumar Ganguly,
Mr. Tarak Karan
.... For the State

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of a case started by the petitioner being Bally Police Station Case No. 61 dated 15th June, 2023 under Sections 406/420 and 506 read with Section 34 of the Penal Code.

Affidavit of service filed in Court today is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has paid money for purchasing property. The said property has not been handed over yet. He also prays for an addition of Section 468 of the Penal Code as a charge.

Learned counsel appearing on behalf of the private respondent submits as follows. The flat was very much handed over to the petitioner. The prime grievance of the petitioner is that there is a difference between the area mentioned. The petitioner is confusing between the built up area and the carpet area which is to be provided. Besides, some cheques given by the petitioner as consideration money had bounced. In fact, a case for cancellation of petitioner's deed is pending before the Civil Court. No prima facie case is made out as would be evident from a plain reading of the FIR.

Learned counsel appearing for the State submits that investigation is going on and a report will be filed in due course. In fact, it is the petitioner who has not been complied with a notice under Section 91 of the Penal Code.

I have heard learned counsels for the parties and have perused the writ petition.

It appears that the police have already taken steps in order to investigate the offences. But, the petitioner has to co-operate.

I do not find any case made out for police inaction.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

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

(Jay Sengupta, J.)