

WPA 16102 of 2023

Tafijul Hoque & ors.
-vs-
State of West Bengal & ors.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar
...for the petitioners

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Ms. Munmun Tewary
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to quash the criminal proceeding in Chanchal Police Station Case No. 781 of 2023 dated 04.07.2023 under Sections 341, 325, 326, 354, 307, 427 and 34 of the Indian Penal Code read with Section 25 of the Arms Act, so far as the petitioners are concerned and for a direction upon the respondents not to take any coercive measure against the petitioners, their friends and family members in any manner whatsoever.

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

Set of documents including the FIR filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos. 1 and 11 are the

candidates in the ensuing Panchayet Election. Rest of the petitioners are the supporters of a particular political party who would have to sit in the election booths during the polls schedule for tomorrow i.e. 08.07.2023. The anti-social elements belonging to the ruling party had been harassing and intimidating to the petitioners since long as they had decided to contest the election. As a last resort, the Administration resorted to filing false cases against them. This is one such case. A limited protection may be given for a few days till after the election so that the petitioners can effectively participate in the election. At this stage, the petitioner is not pressing for quashing of the proceeding.

Learned senior standing counsel representing the State relies on the documents and submits as follows. Certain arms and offending materials were recovered from some of the petitioners. There are more cases pending against some.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the documents filed on behalf of the State.

From a careful reading of the FIR, it appears that there is no specific allegation about a particular person receiving grievous injuries.

That apart, a protection has been sought till the effective conclusion of the election proceeding. It has also been submitted that a co-ordinate Bench of this Court has granted some reliefs in some other cases.

In view of the above and in the interest of justice, I dispose of the writ petition with a direction that the respondent authorities shall not take any coercive steps against the petitioners in connection with the present case or other cases not involving serious offences till 14.07.2023.

Urgent photostat certified copy of this order may be delivered to the learned advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)