

14.07.2023
Item No.42
gd/ssd

WPA/16194/2023
ANA INTERNATIONAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tarique Quasimuddin,
Ms. Sanchita Chaudhuri
..for the Petitioner.

Mr. Ashim Kr. Ganguly,
Ms. Jyotsna Roy
..for the State.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Ms. Anamitra Banerjee,
Mr. Ayan Mondal
..for the Respondent Nos.6 and 7.

Mr. Dipankar Mandal
..for the Respondent No.8.

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of Tiljala Police Station Case No.35 dated 12.02.2023 under Sections 420/406/120B of the Penal Code.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The FIR in question was registered pursuant to a direction passed by the learned Magistrate on 07.02.2023 under Section 156(3)

of the Code. Since then the investigation has proceeded in a rather lackadaisical manner, notice under Section 91 of the Code was issued in February, 2023. Thereafter there was a notice issued to one of the accused under Section 41A of the Code in April, 2023.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Soon after the FIR was registered the police went into action, adequate steps have been taken, notices were issued under Sections 41A and 91 of the Cr.P.C. During raid, it was found that one of the accused Srimoyee Chattopadhyay was bed ridden. She asked for some more time to furnish those documents.

Learned counsel appearing on behalf of the respondent nos.6 and 7 submits that his clients have already filed application under Section 482 of the Code for quashing of the proceeding. One of his clients is 75 years old lady suffering from cancer. No prima facie case is made out as the dispute arises purely out of a commercial transaction.

Learned counsel appearing on behalf of the respondent no.8 submits that his client is cooperating with the investigation.

I have heard the submissions of the learned advocates on behalf of the respective parties and have

perused the writ petition and the report filed by the State.

So far as the prime grievance of the petitioner is concerned about police inaction in respect of the FIR lodged by him, it appears that police have taken steps. Therefore, in this regard there is no further order that needs to be passed.

Let the investigating officer conduct the investigation and examine relevant witnesses in accordance with law.

With these observations, the writ petition stands disposed of.

However, any observation made herein shall not have any effect on the outcome of any other proceeding.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(JAY SENGUPTA, J.)