

09 26.07.2023
NB Ct. 14

WPA 16468 of 2023

Dipankar Mitra
Vs.
The State of West Bengal & Ors.

Mr. Soumen Bhattacharyya,
Mr. Ankan Das.
...for the petitioner.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee.
....for the State.

Mr. Satyajit Mahata,
Mr. Rajib Sinha.
... for the respondent nos.4&5.

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of a complaint lodged by the present petitioner.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondent nos.4 and 5 are the son and the wife of the present petitioner. The present petitioner is the owner of the property in question. The private respondents want the petitioner to convey the property to them. This had led to a dispute between the private parties. On a particular day, the private respondents came and brutally assaulted the petitioner. As would be evident from the injury report, the petitioner suffered grievous injuries. However, the petitioner's statement has not been recorded by the police. The

private respondents are still threatening the petitioner to withdraw the case.

Learned Senior Standing counsel representing the State relied on a report, which is taken on record. He submits that a specific case being Baruipur Police Station Case No.807 of 2023 dated 25.06.2023 under sections 448, 341, 323, 326 and 506 read with Section 34 of the Penal Code has already been started in this case. The accused are absconding. The police are trying to apprehend them. Investigation is going on.

Learned counsel appearing on behalf of the private respondents submits as follows. The respondent no.5 has been suffering from cancer. He denies all the allegations levelled by the present petitioner.

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

It appears that the husband suffered serious injuries. On the allegation of the husband, an FIR has already been registered and the same is being investigating.

Therefore, no further order need be passed in this case.

However, the investigating agency shall conclude the investigation expeditiously and in accordance with law.

The respondent police authorities shall also keep a strict vigil at the locale so that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)