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**WPA 17201 of 2023**

Subhasish Mahaldar

-vs-

State of West Bengal & ors.

Mr. Kalyan Kumar Bhattacharjee

Ms. Reshmi Khatun

Mr. Swakshar Kumar Mondal

... for the petitioner

Ms. Sonali Das

Mr. Tanmay Khan

...for the private respondent nos. 4, 5

Mr. Jayanta Samanta

Ms. Tanuja Basak

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take steps against the illegal activities of the private respondents and provide protection to the petitioner and his family members.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents are habitual drunkards and have been creating disturbances in the locality and especially to the present petitioner and his family members. Initially, the police did not respond to the complaint made by the petitioner. However, thereafter an FIR was lodged including under provision of the POCSO Act. But the private respondents are continued to intimidate the petitioner. Thereafter, complaints were lodged before the police station. But, the police did not take adequate steps and the mischief that is being done by the private

respondents still continues.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents are the neighbours of the petitioner. They are having certain disputes between themselves. On the pretext of this, the petitioner had foisted false cases against the private respondents. The application for cancellation of bail of the private respondents filed by the petitioner was turned down. However, the private respondents categorically stated that they have not harassed or intimidated the petitioner and are not going to do the same.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. On the FIR lodged at the behest of the petitioner against the private respondents, a charge sheet has already been submitted. Since there were allegations of threatening witnesses, another case was started against the private respondents, *inter alia*, under Section 195 A of the Penal Code. A charge-sheet has been submitted in that case as well. The police have also initiated a proceeding under Section 107 against the private respondents.

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

It appears that there exist some disputes between the private parties. This prompted the petitioner to file cases against the private respondents.

It further appears that the police have already taken steps in this regard. FIR was registered and charge-sheet was submitted, even on the question of threat given to witnesses. A proceeding has already been initiated under Section 107 of the Code.

Therefore, there is no need to pass any further order in this regard.

However, the police shall keep a strict vigil at the locale and shall ensure that no breach of peace takes place and no harm is done by the petitioner and his family members.

Since affidavits were not called for, allegations are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**