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14.08.  
2023  
Ct. No.14

WPA 17362 of 2023

**Abhishek Debnath & Ors.**  
**Vs.**  
**The State of W. B. & Ors.**

**Mr. Himangshu Ghosh**  
**Mr. Hemanta Kumar Das**  
**.....For the Petitioners**  
**Mr. Suman Ghosh**  
**Mr. N. Roy**  
**.....For the State**  
**Mr. Ankit Agarwala**  
**Mr. Subir Debnath**  
**Ms. Rama Roy**  
**.....For the Respondent Nos. 5 & 6**

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents had misappropriated some ancestral property. A complaint to the police was lodged, but in vain. This prompted the petitioners to file an application under Section 156(3) of the Code. Accordingly, a direction was passed. However, the police are not taking appropriate steps in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. The

petitioners are not at all entitled to any property in question. The whole application under Section 156 (3) was misconceived.

Learned counsel appearing on behalf of the State relies on a report and submits as follows. An FIR was registered pursuant to the direction passed under Section 156 (3) of the Cr. P. C. being Nabadwip PS Case No. 110/23 under Sections 406/420/34 of the Indian Penal Code. However, after a thorough investigation it was found to be a case of civil dispute. Accordingly, a final report as mistake of fact was filed vide Nabadwip PS FRMF No. 269/23 dated 10.06.23 under Sections 406/420/34 of the Indian Penal Code in this case.

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

The allegation of police inaction made by the petitioner is in a way not substantiated as an F. I. R. was drawn up pursuant to the direction passed under Section 156 (3) of the Code and investigation was purportedly done. A final report was submitted seeking exoneration of the accused.

Therefore, if at all, the petitioner has the remedy of filing a protest petition against such final report.

Therefore, no further order need be passed

in this case.

Accordingly, the writ petition is disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after compliance of all necessary formalities.

**(Jay Sengupta, J.)**