

31 07.08.2023
NB Ct. 14

WPA 17559 of 2023

Nirmal Dhara
Vs.
The State of West Bengal & Ors.

Ms. Devi Priya Mitra.
...for the petitioner.

Mr. Pantu Deb Roy Id. AGP,
Mr. Subrata Guha Biswas.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to register an FIR on the complaint of the petitioner and to take steps against the illegal activities of the private respondent.

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

Despite service, no one appears on behalf of the private respondent.

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

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's mother is about 75 years old. On 12.05.2023, she was severely assaulted by the private respondents. The petitioner at once met the Officer-in-Charge

of Sutahata Police Station bringing all these to his notice. No steps were taken by the respondent authorities. Between 28.05.2023 and June, 2023, the petitioner was seriously assaulted by the said private respondents. He again intimated the facts to the respondent no.2, but without any steps being taken by them. The private respondents are the local hooligans belonging to a particular political party. They want to oust the petitioner from her own home and grab the property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After filing of the writ petition, a specific FIR has been registered by the local police being Sutahata Police Station Case No.279 of 2023 dated 26.07.2023 under Sections 341, 448, 323, 324, 325 and 506 read with Section 34 of the Penal Code. Investigation is going on.

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 a specific FIR was registered by the police only after the petitioner filed the present writ petition. It is not clear whether all the appropriate charges were included. It also does not appear that the respondents have been arrested.

Be that as it may, let the investigating officer of the case investigate into the alleged offences expeditiously and in accordance with law and take all possible steps to bring the matter to a logical conclusion.

Considering the nature of the allegations that local miscreants are troubling the petitioner, the respondent

authorities shall keep a sharp vigil at the locale and ensure 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.)