

05.01.2023

Sl. No. 57

Srimanta

Ct.No. 42

CRR/2966/2022

In the matter of : **Ramanuj Sing & Anr.**

Mr. Syed Arif Ahmed, Adv,
Mr. Sandipan Ganguly, Adv.

...for the petitioners.

Mr. Swapan Banerjee, Adv.,
Mr. Anindya Sundar Chatterjee, Adv.

...for the State.

Petitioners have approached this Court invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure with a prayer to quash the FIR filed by the opposite party no. 2, BL&LRO, Salanpur in the district of Paschim Burdwan on the basis of which a case under Section 17(1) of the West Bengal Inland Fisheries Act, 1984 and Section 4(d) of the WBLR Act, 1955 was registered against the petitioners and on conclusion of investigation Police submitted charge-sheet against them.

In course of argument it is found from the record that after lodging of the FIR the petitioner approached this Court in Constitutional Writ Jurisdiction under Article 226 of the Constitution by filing WPA 5542/2020. In the said writ petition it was specifically contended by the petitioners that the petitioners used to carry on pisciculture in the pond in question and for the purpose of pisciculture they employed some persons to clean the pond. The opposite party no. 2 lodged a false complaint against the petitioners alleging, inter alia, that the petitioners with the help of some other persons were trying to fill up the said pond.

The said writ petition was disposed of with the following order:-

The petitioner will be entitled to carry on pisciculture in the water body in question, if he is otherwise entitled to do so in law. However, supervision of the local police station will not be necessary any further. The local police may visit the water body in question from time to time only for the purpose of ascertaining as to whether or not the petitioner is filling up the water body in question. The police shall not interfere with the petitioner's business of pisciculture in any manner during such visits. The proceedings initiated by the administration against the petitioner under the 1955 Act shall continue and will be concluded without being influenced by anything stated in this order. However, needless to say, the petitioner shall be given full opportunity of contesting such proceedings.

In view of the above order permitting the petitioners to continue with the business of Pisciculture in the said pond, the FIR lodged by the local BL & LRO becomes redundant. The Writ Court also directed the Police Authority to visit the said water body from time to time only for the purpose of ascertaining as to whether or not the petitioners are filling up the water body in question.

In view of the above direction, charge-sheet filed on the basis of the FIR lodged by the BL & LRO, Salanpur against the petitioners is liable to be quashed. Accordingly, the instant revision is allowed.

Charge-sheet No. 23/2021 dated 28th February, 2021 filed in Salanpur Police Station Case No. 62/2020 dated 27th April, 2020 corresponding to GR Case No. 868/2020 be quashed.

This order, however, will not disentitle the Police Authority from making occasional visit to supervise as to whether the said water body is filled up or not by the petitioners.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)