

01.05.2023.
Court No.13
Item No. 301
ap

W.P.A. No. 22198 of 2022

**Sri Bapan Das
Versus
The State of West Bengal & Ors.**

Mr. Amales Ray,
Ms. Mousumi Bhowal.

...For the petitioner.

Mr. Manoj Malhotra,
Mr. Suman Dey.

...For the State.

1. Supplementary affidavit filed in Court today be taken on record.
2. The petitioner seeks quashing of FIR No. 148 of 2022 dated 6th May, 2022 along with Charge-sheet No. 292 of 2022 dated 31st August, 2022 under Sections 420/379/406/427/506/468/471 of the Indian Penal Code.
3. The facts of the case are that the petitioner had purchased a bus finances by the Bank of India. He entered into a first agreement with the private respondent no.8 to run the said bus against payment of money. Upon failure of the private respondents to either pay money or run the Bus, the police seized the said Bus.
4. Uttarpara Police Station FIR No. 208 of 2021 dated 7th June, 2022 was registered at the instance of the private respondent no.8 which resulted in final report on mistake of fact and law.

5. After the petitioner paid off the Bank's dues, a second FIR came to be lodged by the private respondent no.8 against the petitioner being FIR No. 148 of 2022.

6. The police have investigated the said FIR and filed charge-sheet.

7. Having regard to the facts of the case, this Court is of the view that the petitioner has an effective alternative remedy under Section 482 of the Code of Criminal Procedure. The writ petition is not entertained on the ground that the principal right sought by the petitioner is under Article 19(1)(g) of the Constitution of India.

8. With liberty reserved to the petitioner as indicated hereinabove, the instant writ petition shall stand disposed of without any order.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)