

24.11.2023

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W.P.A. 22614 of 2023

**Nimai Jana
Vs.
The State of West Bengal & ors.**

Mr. S. Sinha Roy

Mr. Tapan Roy

... for the petitioner

Mr. Suman Sengupta

Ms. Amrita Panja Maulick

... for the State

Mr. Kaustav Bachi

Ms. Priti Kar

... for the respondent nos.4, 5 & 6

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

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

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioner's grievance was ventilated by way of a complaint before the police authorities but the police authorities have not acted on the same by registering an F.I.R. The private respondents are trying to grab the property in which the petitioner is having an interest.

Learned Counsel appearing on behalf of the private respondents denies the allegations in the writ petition and submits that an F.I.R. has already been registered on the complaint of the petitioner and the private

respondents have obtained bail in the case. In fact, the private respondents have also filed a case against the petitioners in this regard. After the private respondents obtained bail in the instant case another F.I.R. has been lodged by the petitioner.

At this stage, learned Counsel appearing on behalf of the petitioner submits that during the pendency of the writ petition the petitioner has filed another complaint against the private respondents.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The case pertains to a fight between brothers over a property. A case was started on the complaint of the petitioner. In fact, a counter-case has also been started on behalf of the private respondents. Both are being investigated. A title suit in respect of the same property is also pending.

It appears that there is a civil dispute between the private parties. In fact, the private parties have also initiated criminal cases against each other.

Apparently, there is no police inaction as on the complaint of either of the parties the police have taken action and registered F.I.R.

Since the prime grievance of the petitioner about non-registration of an F.I.R. has been redressed, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Since no affidavits are called for allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)