

WPA 23520 of 2023

S. Nomi & Co.

-vs-

The State of West Bengal & ors.

Mr. Rahul Chakraborty

...for the petitioner

Mr. Ayan Bhattacharya

Mr. Abhijit Chowdhury

...for the respondent nos. 6 & 7

Mr. Somnath Ganguli

Mr. Balarko Sen

...for the State

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.

A copy of an order dated 14.09.2023 passed by a Co-ordinate Bench of this Court in CRR 3480 of 2023, as filed on behalf of the private respondents, is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's case was not registered as an FIR by the local police authorities. This prompted him to move the learned Magistrate with an application under Section 156 (3) of the Code of Criminal Procedure. Despite passing a direction and registering of an FIR pursuant thereto, investigation has not been done properly.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. A case of commercial dispute was

given the colour of criminality by lodging an application under Section 156 (3) of the Code. A substantial part payment has also been made in this case. By an order dated 14.09.2023 passed by this Court, the Investigating Agency was asked not to take any coercive measures against the accused till a particular date. The matter is pending adjudication.

Learned counsel for the State relies on the report and submits as follows. The police is investigating the case in accordance with law. In fact, the complainant did not fully comply with the notice given under Section 91 of the Code of Criminal Procedure by providing all the necessary documents.

It appears that a criminal revision is already pending before a Co-ordinate Bench of this Court in which a direction has been passed not to take coercive steps against the accused. However, the investigation of the case has not been stayed.

Let the Investigating Agency continue with the investigation in accordance with law.

The petitioner shall also comply with the notice given under Section 91 of the Code.

No further order need be passed in this regard.

Accordingly, the writ petition is disposed of.

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

(Jay Sengupta, J.)

