

12.05.2023
Court No.13
Item No.517
pk

WPA 24496 of 2022

**Patan Mondal and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Golam Mastafa
Mr. S. Sarkar

... For the petitioners.

Mr. Santanu Kumar Mitra,
Ms. Anandamoyi Ghosh.

... For the State.

1. Affidavit of service filed in Court is taken on record.

2. The petitioners claim that the private respondent no.5 has sold a piece of land to them on 29th June, 2021 and subsequently sold it to a third person. There is a much larger story found by the Jalangi Police Station.

3. It is submitted that on 1st July, 2021, the mother of Juthika Khatun registered a complaint that an offences under Sections 363/365/420 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act have been committed against her daughter.

4. Jalangi Police Station has registered FIR and filed charge-sheet No. 198 of 2021 dated 30th July, 2021 against one Jonirul Molla.

5. There are other complaints, which have resulted in FIR and charge-sheet No.130 of 2022 dated 30th April, 2022 has been submitted.

6. Counsel for the State submits that proceedings under Sections 107 and 116(c) of the Code of Criminal Procedure have been drawn up by the Jalangi Police against the private respondent nos.5 to 8.

7. This Court is of the view that any right in respect of the property of the petitioners may be agitated before an appropriate civil forum.

8. Jalangi Police Station shall, however, ensure that there is no breach of peace in the area. In the event the petitioners feel that the private respondents have committed any other offences, they may move the appropriate Court under the provision of the Code of Criminal Procedure in accordance with law.

9. With the aforesaid directions, the instant writ petition is disposed of.

10. There will be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)