

31.01.2023.
Court No.13
Item No. 17
ap

W.P.A. No. 27945 of 2022

**Asit Mistry
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya.

...For the petitioner.

Mr. G.F. Hossain,

Mr. Areen Halder.

..For the respondent nos.8, 9 & 10.

The petitioner claims that notwithstanding cognizable offence disclosed in their complaint of 25th November, 2022, Mandir Bazar Police Station, Sundarban Police District has not only refused to accept the written complaint but has also not registered the FIR.

The injury reports of the victim have been annexed to the writ petition.

The Inspector-in-charge, Mandir Bazar Police Station, Sundarban Police District has filed a report in the form of instructions addressed to the Government Pleader, High Court, Calcutta. The same is taken on record.

It appears therefrom that there is a constant scuffle between the petitioner and the private respondents in connection with grazing cattle over a piece of land. It further appears that there have been many earlier scuffles between the parties.

It is submitted by the Officer of Mandir Bazar Police Station, Sundarban Police District that they have not lodged any written complaint from the petitioner.

The petitioner, however, complains that the police station refused to receive any written complaint and only a General Diary, has been registered on the basis of the oral complaint of the petitioner. In such case, the complaint was required to have sent by electronic mail both to the police station as well as Superintendent of Police, Sundarban Police District indicating that the written complaint has been refused.

Be that as it may, Counsel for the private respondents submits that his clients have also lodged a complaint against the petitioner on the same day that has been registered as a General Diary.

Since the petitioner's complaint discloses cognizable offence, FIR shall be registered forthwith. If the private respondents' complaint also discloses cognizable offence, FIR must be registered by Mandir Bazar Police Station, Sundarban Police District.

Let investigations be carried out in accordance with the Code of Criminal Procedure and may be completed within a period of two months from date. All injury reports and every other documents and statement of the victim may be recorded and final

report may be filed before the jurisdictional Magistrate within the time period stipulated hereinabove.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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.)