

17-01-2023
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WPA 13377 of 2021
With
WPA 28892 of 2022
Smt. Indrani Roy Choudhury & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Tanmay Mukherjee,
Mr. Kajal Roy,
Mr. K.R. Ahmed

....for the petitioners

Mr. Rohan Raj

...for the respondent nos. 4 and 5

Mr. Atish Ghosh,
Mr. Arindam Chandra,
Ms. Sumana Biswas,
Ms. Antara Dey

..for the respondent no.6

The petitioners are aggrieved by alleged over action of the Investigating Officer of Chandannagar Police Station, one Mr. Pranay Ghosh. He was the I/O in respect of the FIR No. 145 of 2021 dated July 8, 2021. Mr. Ghosh completed the investigation and filed charge sheet being No. 207 of 2021 dated 31.10.2021 against the writ petitioners, Smt. Indrani Roy Choudhury and Sri Arindam Roy Choudhury. The petitioners are on bail in connection with the above. In respect of another complaint of the petitioners, FIR being Chandannagar PS Case No. 246 of 2022 dated 15.11.2022 has been registered and is under investigation by one SI Rahul Gosai.

In respect of a further complaint by one Mrityunjoy Dutta, the 4th respondent, proceedings under Sections 107 and 116(3) of the CrPC have been taken out.

The petitioners complain that an email dated 23.07.2021 has been addressed by Mr. Pronoy Ghosh, PSI of Police, Chandannagar Police Station to the employer of the petitioners, i.e., Assistant Commissioner of Income Tax, Kolkata Zone. It is submitted that the said communication was made on the instructions of the DCP.

It is not-understood as to why and in what circumstances such communication was made to the petitioner's employer merely because an FIR has been registered against him. The petitioner may take appropriate steps in this regard.

There are two civil suits pending, being T.S. No.223 of 2021 before the Civil Judge, 1st Court at Hooghly and T.S. No.241 of 2021 before the 1st Civil Judge (Junior Division) at Chandannagar, initiated by the petitioners and the private respondents against one another. The private respondents have filed the suit for eviction of the petitioners. The petitioners have in turn filed a suit for declaration.

It is submitted by the petitioner that during the pendency of the civil proceedings the private respondents have unlawfully evicted them from the said premises and have also converted all articles

and goods inside the premises to their use and benefit. The police report says that the petitioners have left voluntarily.

Counsel for the petitioners submits that the private respondents have forcibly entered into their property and unlawfully evicted them.

The petitioners submits that they have filed an application being T.S. No.241 of 2021 before the 1st Civil Judge (Junior Division) at Chandannagar.

The said Court shall dispose of the petitioner's application mandatory and positively within a period of one month from date. Any interim orders in aid of such application may also be considered by the Court below.

It is also submitted that the local municipality has cancelled the trade license of the petitioners. Steps may also be taken by the petitioners in that regard.

The police shall complete the investigation into the Chandannagar Police Station Case No.246 of 2022 as expeditiously as possible, preferably within a period of one month from the date.

The Chandannagar Police Station shall ensure that there is absolutely no breach of peace in the area and shall attend to any complaint in this regard filed by the parties.

With the aforesaid observations, both the writ petitions shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)