

WPA 9752 of 2020

Susovan Kundu
-vs-
State of West Bengal & ors.

Mr. Soumen Bhattacharyya
Mr. Ankan Das
...for the petitioner

This is an application under Article 226 of the Constitution of India, alleging police inaction.

Learned counsel appearing on behalf of the petitioner submits as follows. There was an agreement between the petitioner and the private respondent nos. 4 and 5, but the private respondents fulfil their part of the promise. Situation came to such a pass that the private respondents threatened the petitioner that they would abduct the petitioner's father and other relatives. The petitioner lodged an information with the local police station as also with the Superintendent of Police, but no action was taken. No FIR was registered. This prompted him to approach this Court.

I have heard the submissions of the learned counsel for the petitioner and have perused the writ petition.

It appears that the case arises out of civil dispute between the private parties. However, there are allegations of threat to commit serious offences.

If a cognizable case is made out, then it is for the petitioner to move the learned jurisdictional Magistrate

under Section 156 (3) of the Code in the event police refused to register an FIR. Besides, much time has elapsed without any further developments, far less allegations being there of further threats or abduction for that matter.

Therefore, no further order need be passed in this case.

The writ petition is disposed of without any costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)