

30.08.2023
sayandeep
Sl. No. 07
Ct. No. 12

MAT 809 of 2020

With
CAN 01 of 2022
CAN 02 of 2022

Mr. Romit Dutta
-Versus-
The State of West Bengal & Ors.

Ms. Sanjukta Samanta

.....for the appellant

Mr. siddhartha Banerjee

Mr. Sital chakraborty

Ms. jyoti Rauth

.....for the respondent Nos. 8,9,10,11,12

The appellant has come up with the present appeal challenging the order of the learned Single Judge dated 13th October, 2020 made in WPA 7386 of 2020. The appellant filed the above writ petition claiming compensation of wrongful arrest by the police and their over action. The learned Judge considering the fact that appellant was arrested based on the complaint given by his father that appellant and his wife beat him and pressurizing him to gift the immovable property on the son, concluded that writ petition is a counter blast for the complaint given by father of the appellant against the appellant and his wife and dismissed the writ petition. In the present appeal, appellant raised various grounds. The learned counsel appearing for the appellant elaborately referred the grounds raised in the appeal.

From the materials on record, it is seen that the appellant is seeking compensation for alleged wrongful arrest by the police and over action by them based on the complaint given by father alleging that both appellant and his wife bit him and pressurizing him to gift the immovable property on the appellant. Now the appellant is seeking compensation for alleging wrongful arrest. Whether arrest of the appellant is based on the complaint of his father is unlawful or not cannot be decided in the writ proceedings. As rightly pointed out by the learned Judge, the writ petition is counter blast for the complaint given by the father of the appellant.

In view of the above, we are at opinion that there is no error in the order of the learned Judge.

Appeals fails and is accordingly dismissed without any order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)