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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 511 of 2023

Rupanjana Bhowmick
-versus
State of West Bengal & ors.

Mr. Sandip Mandal
Mr. Abhilash Mittal
...for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent police authorities to investigate into the complaint made against the private respondent nos. 4 to 8 and to take appropriate steps in this regard.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner entered into an agreement with the private respondents to purchase a property. Out of total consideration of Rs. 31 lakhs, the petitioner has already paid about Rs. 22,80,000/- in this regard, as per schedule. Instead of delivering the

property or registering the same, the accused sold away the property in question to a third party for valuable consideration. The petitioner first approached the police with these allegations. But, the police refused to register a First Information Report. This prompted the petitioner to file an application under Section 156 (3) of the Code on 12.09.2022, which was allowed. The First Information Report was registered on 12.10.2022. Yet, till date no significant investigation has been done in this regard. Neither have relevant witnesses been examined nor have the accused been arrested.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After registration of the FIR, a notice under Section 41A of the Code has been issued against the accused on 27.10.2022. On 24.11.2022, raids were conducted to apprehend the accused. But, the accused absconded. However, necessary efforts have been done to obtain documents regarding the alleged offences. Witnesses have also been examined.

I have heard the submissions of the learned counsels appearing for the parties and have perused the writ petition and the report filed by the State.

Since the State has contended that the accused have absconded, no further effort need be made to secure the attendance of the accused. In any event, an order directing the respondent authorities to properly

investigate into alleged offences at the stage of investigation would not prejudice anyone.

It appears that although the FIR was finally registered in pursuance of a direction under Section 156 (3) of the Code in October 2022 and a notice was issued against the accused under Section 41A of the Code on 27.10.2022. Till date, the accused have not co-operated with the investigation when called upon. They could not even be arrested.

The Investigating Agency has also not been able to get a report in the final form despite passage of quite some time.

In view of the above, the respondent police authorities are directed to properly investigate the alleged offences and take necessary and effective steps in this regard so that the entire process can be brought to a logical conclusion. It is also directed that further investigation of the case shall be conducted under the supervision of the Commissioner of Police, Siliguri Police Commissionerate, Mandlaguri, District- Darjeeling.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)