

May 15, 2024
AD 8
Ct. No.14
SG

WPA 7509 of 2024

Sanat Kumar Mondal and others
vs.
The State of West Bengal and others

Mr. Pritam Roy
Mr. Soewel Bhattacharjee
Ms. Triparna Roy
... for the petitioners

Mr. Amitesh Banerjee
Mr. Rajat Dutta
... for the State

Mr. Arun Agarwal
... respondent No.6 in person

Affidavit-in-opposition filed by the respondent No.6
is taken on record.

Learned counsel for the petitioners submits as follows. Similar allegations have been levelled against the petitioners by the private respondents by filing three FIRs being Technocity PS Case Nos.246, 247 and 248 of 2023. One of it relates to theft of articles, which allegedly took place between 22.10.2023 and 15.12.2023. It appears from the allegations that the informant detected this at their shops when then came back on a taxi on a particular day. The allegations are absolutely false. There are no shops as alleged. So there is no question of any theft taking place at the said shops. No prima facie case is made out. Any further continuance of the proceedings shall be an

abuse of the process of Court. Reliance is placed on the decisions in *the State of Haryana and others vs Bhajan Lal and others*, reported at 1992 Supp (1) SCC 335 and *Babubhai vs the State of Gujarat and others*, reported at (2010) 12 SCC 254.

Learned senior counsel representing the State relies on the report filed earlier and the case diary and submits as follows. There is a civil suit pending between the private parties. The investigation revealed that the said shops were far from fully constructed. However, investigation is going on. Not only had photographs been taken that the shops were not constructed yet, statements had also be recorded as would appear in the case diaries.

First, this is a case where a learned lawyer appears in person and claims that there have been thefts in his 'shops'.

The report and the investigation into the FIRs lodged revealed that the shops were not even constructed. Appropriate photographs have been relied on by the petitioners and the State.

On the other hand, the photographs annexed by the private respondent in the purported opposition do not give a complete picture in the sense that the pictures are of small portions, which do not show the entire structure.

The investigating officer has also recorded statements of witnesses which hardly support the petitioners' case.

These are model cases where it can be said that no prima facie case is made out.

This Court is not going into the issue whether these cases have been maliciously instituted by the private respondents.

However, as no prima facie case is made out, the impugned proceedings are quashed.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]