

19.12.2024
Sl. No.44(DL)
srm

W.P.A. No. 20545 of 2024

Saswati Bhattacharji @ Bhattacharyya & Anr.

Versus

State of West Bengal & Ors.

Mr. Srijit Chakraborty,
Mr. Aditya Mondal,
Ms. Rupsa Sreemani

...for the Petitioners.

Mr. Joydip Banerjee,
Mr. Prabir Kumar Ray

...for the State-respondents.

Mr. Anirban Mitra,
Mr. Amit Halder,
Mr. Amit Roy

...for the Respondent No.6.

Affidavit-of-service so filed be kept with the record.

Petitioners claim that he has complained to the Officer-in-Charge, Goghat Police Station on or about 24.07.2024 regarding the misuse of funds of Punnya Brojo Dham Welfare Association. Further allegations have been made therein regarding act of certain members who, according to the petitioners have been carrying out illegal activities.

Learned Advocate appearing for the private respondent submits that already a civil suit is pending in respect of some of the issues which has been canvassed in the writ petition.

Learned Advocate appearing for the State has submitted a report. Report reflects that general diary entries have been already registered with the police station in respect of the accusations made therein. There are other issues which have been already reflected in the report.

However, on a consideration of the whole of the circumstances which have been canvassed in the writ petition, I find that main grievance of the petitioners relates to both constitution of the committee as well as the subsequent act and action which is claimed by the petitioners are completely illegal, particularly with regard to the withdrawal of the money is concerned. Till date police authorities have not registered any FIR.

More than almost five months have passed since the information was furnished to the Officer-in-Charge of Goghat Police Station. In view of the above, I grant liberty to the petitioners to file an application under Section 175(3) of the BNSS before the jurisdictional criminal court. The jurisdictional criminal court by way of adhering to the provisions of law and will assess any cognizable offence is made out and thereafter will pass necessary directions.

In the meantime, as the petitioners and the private respondent are at loggerheads, the police authorities would

keep a strict vigil and ensure that no untoward incident results because of the inimical relationship existing between the petitioners and the private respondent.

Report submitted by the State be kept with record.

With the aforesaid observations, writ petition being WPA 20545 of 2024 is disposed of.

There shall be no order as to costs.

Report so submitted be kept with the record.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)