

23.09.2024
Sl. No. 29
g.b.
Court No.07

W.P.A. 20676 of 2024

Makbul Ahmed Molla & Ors.
-Vs-
The State of W. B. & Ors.

Mr. Shahan Shah
Sk. Abumusa
Mr. S. Barman
Mr. U. M. Khan
.....For the Petitioners
Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh
.....For the State
Mr. Prasenjit Mukherjee
Mr. Anindya Bose
Mr. Mridul Biswas
....For the Respondent Nos. 5 to 12

Affidavit of service filed in court today is taken on record.

Report filed by the learned advocate for the State is taken on record.

The petitioners allege that in spite of the fact that complaints have been lodged by the petitioners before the concerned police station, no steps have yet been taken by the police authorities on the basis of such complaints.

The learned advocate appearing for the private respondents submits that the petitioners have made false allegation against the private respondents and the private respondents have also lodged complaint against the petitioners before the concerned police station.

The learned advocate for the State files a report of the Inspector-in-charge of Rabindranagar Police Station dated 21.08.2024.

Upon going through such report this court finds that complaints and counter complaints have been lodged by the respective parties.

It appears that FIR No. 389 of 2024 dated 11.08.2024 under Section 329 (3)/117(2)/324(5)/351(3)/3(5) BNS as well another FIR No. 392 of 2024 dated 11.08.2024 under Section 329 (1)/117(2)/3(5) BNS was also registered on the same date on the basis of the written complaints made by the respective parties.

The learned advocate for the State submits that the investigation in respect of the aforesaid complaints is in progress.

The learned advocate for the petitioners submits that the private respondents are continuously threatening the petitioners and the police authorities are not rendering necessary assistance to the petitioners.

Since the FIR has been registered on the basis of the complaints lodged by the respective parties and the investigation is in progress, this writ petition stands disposed of by directing the concerned Investigating Officer to conclude investigation expeditiously and take all consequential steps thereupon.

With regard to the submission of the learned advocate for the petitioners that there is a threat perception, it will be open to the petitioners to approach the competent authority with the specific complaint in that regard. If such complaint is made, the competent authority is directed to consider such application/complaint and decide as to whether the allegation of threat perception has some basis and thereafter decide to take action in accordance with law.

With the above direction and observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)