

24.09.2024
Sl. No. 36
g.b.
Court No.07

W.P.A. 20999 of 2024

Pintu Ghosh
Vs.
The State of W. B. & Ors.

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. Sabab Uddin Laskar
Mr. Sourav Roy
.....For the Petitioner

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Mridul Biswas
.....For the Respondent Nos. 8 to 14
Mr. Wasim Ahmed
Sk. Md. Masud
.....For the State

The petitioner lodged a complaint before the Officer-in-charge, Udaynarayanpur Police Station vide letter dated August 13, 2024 alleging that the private respondents entered into the shop of the petitioner by breaking open the padlock and have stolen many valuable articles therefrom.

The learned advocate appearing for the petitioner submits that subsequently the petitioner was assaulted by the private respondents and a complaint to that effect has already been lodged before the police authorities and FIR has already been registered.

The grievance of the petitioner is that no steps have been taken pursuant to the complaint lodged by the petitioner vide letter dated August 13, 2024.

The learned advocate for the private respondents submits that the private respondents have also lodged a complaint before the police authorities against the petitioner and such complaint has already been registered as an FIR.

The learned advocate for the private respondents further submits that a civil suit for partition is pending in

respect of the property in question between the petitioner and the private respondents and such fact has not been disclosed in the writ petition.

No one appears on behalf of the State in spite of notice.

Mr. Ahmed, learned advocate who usually appears on behalf of the State is present in court and is requested to appear in this matter. His appearance may be regularized by the Government Pleader, High Court, Calcutta.

Let a copy of the writ petition be served upon Mr. Ahmed in course of this day.

The writ petition is disposed of by directing the Officer-in-charge, Udaynarayanpur Police Station to consider the complaint lodged by the petitioner vide letter dated August 13, 2024 and if the same discloses cognizable offences, an FIR is to be registered forthwith. If the said respondent decides against the registration of the FIR, the reasons therefor are to be communicated to the petitioner within a period of two weeks from the receipt of a server copy of this order along with a copy of the writ petition dated August 13, 2024.

Since the civil court is in seisin over the interse dispute between the private parties in respect of the property in question, the parties will be at liberty to approach the civil court for appropriate reliefs in accordance with law.

The learned advocate for the petitioner submits that the private respondents are constantly threatening the petitioner of dire consequences. However, the learned advocate for the petitioner fairly submits that no representation in that regard has been submitted before the competent authority. In case a representation before the competent authority is made by the petitioner in that regard, such authority shall after making an enquiry as to

whether there is any threat perception shall take a decision on such representation in accordance with law within a period of four weeks from the receipt of a copy of such representation.

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

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

(Hiranmay Bhattacharyya, J.)