

24.09.2024
Sl. No. 43
g.b.
Court No.07

W.P.A. 21109 of 2024

Shyama Biswas
Vs.
The State of W. B. & Ors.

Mr. Upendra Roy
Ms. Kanchan Roy
.....For the Petitioner
Mr. Gautam Das
Mr. Sandeep Kr. Tiwari
.....For the Respondent Nos. 5 and 6
Mr. Suman Sengupta
Mr. Amrita Panja Moulikc
.....For the State

The petitioner lodged a complaint before the police authority vide letter dated 15.06.2024.

The learned advocate for the petitioner submits that in spite of the complaint being lodged way back in the month of June, 2024, no steps have been taken by the police authorities.

The learned advocate for the private respondents submits that the dispute is civil in nature. The private respondents filed a title suit being 1131 of 2015 before the learned Civil Judge (Jr. Division) at Howrah and the said suit was dismissed. Thereafter the private respondents preferred an appeal, which is still pending.

Learned advocate appearing for the State submits that the complaint lodged by the petitioner did not disclose any cognizable offence. Therefore, there is no inaction on the part of the police authorities.

Heard the learned advocates for the parties.

Since a complaint has been lodged before the police authorities, the police authorities have to communicate the reasons, if, according to them, the same does not warrant registration of an FIR.

Under such circumstances the reasons therefore are to be communicated to the petitioner within a period of two weeks from the date of receipt of a server copy of this order along with a complaint vide letter dated 15th June, 2024. If however the police authorities is of the opinion that the complaint discloses a cognizable offence, steps shall be taken for registration of the FIR.

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

Since the respondents were not called upon to file any affidavit, the allegation contained in the writ petition shall not be deemed to have been admitted by the respondents.

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

(Hiranmay Bhattacharyya, J.)