

03.10.2024
Item No.79
Ct. No. 7
KS

W.P.A. 23354 of 2024
Mithun Haldar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. A. K. Acharyya
Mr. S. Banerjee

.....For the Petitioners

Mr. Somnath Ganguli
Ms. Kalpita Paul

.....For the State

Ms. Meghla Das

.....For the Respondent Nos.9 & 10

1. Mr. Chatterjee, learned advocate appearing for the petitioners submits that the police authorities have not taken any step pursuant to the complaint lodged by the petitioners on 22nd June, 2024, which is appearing at page 43 of the writ petition.
2. Mr. Ganguly, learned Additional Government Pleader files a report of the Officer-in-Charge, Kasba Police Station dated 19th September, 2024, wherefrom it appears that the petitioners have withdrawn the said complaint dated 22nd June, 2024.
3. Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners were coerced by the private respondents to withdraw the said complaint. Thereafter, the petitioners decided to pursue the said

complaint and accordingly, the petitioners made a representation before the higher officials of the police by a letter dated 10th July, 2024, which is annexed at page 49 of the writ petition.

4. On a query of this Court, Mr. Chatterjee, learned advocate, in his usual fairness, submits that a copy of the representation dated July 10, 2024 was not forwarded to the Officer-in-Charge, Kasba Police Station. He also submits that the Deputy Commissioner of Police, South Division, Kolkata being the respondent no.7 has received a copy of the representation dated 10th July, 2024.
5. In the light of the aforesaid submission of Mr. Chatterjee, learned counsel for the petitioners, this Court directs the Deputy Commissioner of Police, South Division, Kolkata, being the respondent no.7 to forward a copy of such representation dated July 10, 2024 to the Officer-in-Charge, Kasba Police Station within a week from the date of receipt of server copy of this order.
6. The Officer-in-Charge, Kasba Police Station being the respondent no.8 is directed to consider the written complaint of the petitioner dated 22nd June, 2024 in the light of letter of withdrawal and the subsequent representation dated 10th July, 2024 and to take a decision in accordance with law. If the respondent no.8 is of the

opinion that the complaint of the petitioners vide letter dated 22nd June, 2024 discloses a cognizable offence, steps with regard to such complaint shall be taken in accordance with law including registration of F.I.R. If the respondent no.8 decides against registration of F.I.R., reasons therefor are to be communicated to the petitioners within a period of two weeks from the date of receipt of server copy of this order.

7. For abundant caution, the petitioners are directed to forward a copy of the representation dated 10th July, 2024 to the respondent no.8 along with the server copy of this order.
8. With the above directions, writ petition stands disposed of.
9. There shall be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)