

January 2, 2024
AD 22
Ct. No.14
SG

WPA 24124 of 2023

Abha Sarkar
vs.
The State of West Bengal and others

Mr. Supratim Dhar
Mr. Tirupati Mukherjee
Ms. Megha Sarkar
... for the petitioner

Ms. Jhuma Chakraborty
Mr. Suddhadev Adak
... for the State

Affidavit of service filed in Court is taken on record.
It appears that the private respondents could not be served with notice as they had left their available addresses.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of a two-wheelers' showroom. Her son and relative used to run the same because of his old age. The respondent No.7 was an employee in the said concern looking after the marketing of the product. He maliciously and fraudulently took signature from the petitioner's elder son, who was not mentally stable, and sold away two-wheelers without insurance to several customers. On complaints, the respondent No.7 was asked to come and explain. He came with his brother, the respondent No.8 and other antisocials, attacked the showroom and vandalised it. This was intimated to the police, but no action was taken.

Learned advocate for the State relies on the report and submits as follows. As would be evident from the complaint made by the petitioner it was made for diarising as a general diary entry. The same was done. The allegations also did not come out a cognizable case. However, Uttarpara Police Station Case No.531 dated 10.10.2023 has been initiated under Section 107 of Cr.P.C.

In the event the police authorities entertain a view that the complaint, although not made in proper form or spelling out the correct sections of the Penal Code, make out a cognizable case, they shall be at liberty to treat the same as an FIR and investigate the case.

The petitioner also shall be at liberty to make an appropriate prayer before the police authorities in this regard. Thereafter, she shall be entitled to follow the steps in terms of ratio laid down in *Aleque Padamsee's case* reported at (2007) 6 SCC 171.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]

