

D/L 78
20.11.2024
Kausik
ct.no.35

W.P.A. 25481 of 2024

**Chhakina Molla
Versus
The State of West Bengal & Ors.**

Mr. Md. Zeeshanuz Zaman
Mr. Shahriyar K. Akhan

...for the petitioner.

Mr. Bapin Baidya
Ms. Juin Dutta Chakraborty

...for the respondent nos. 7 to 12,14,15 & 17.

Mr. Ashis Guha
Mr. Naren Ghosh Dostidar

...for the state.

Affidavit of service so filed be kept with the
record.

Petitioner is aggrieved by the fact that inspite
of an order of injunction being passed by the learned
Civil Judge (Junior Division) 3rd Court, Baruipur on
21.11.2019 and the subsequent order dated
08.07.2024 passed upon the Inspector-in-Charge,
Kultali Police Station for implementing the order of
interim injunction, in respect of the allegations
relating to disturbance in the peaceful possession of
the petitioner has been violated.

To that effect state has submitted a report.
Report reflects that an enquiry was conducted

pursuant to the information furnished in respect of the communication made by the petitioner and the police authorities found that no cognizable offence has taken place. However, in order to maintain breach of the peace a proceeding under section 126/135 of BNSS has been drawn up by the police authorities. Report also reflects that earlier criminal case was registered being Kultali Police Station Case No. 473/24 dated 26.06.2024 and on completion of investigation charge sheet was submitted before the jurisdictional court.

Learned advocate for the respondent nos. 7 to 12, 14 15 & 17 is present in court and opposes the contentions advanced by the learned advocate appearing for the petitioner.

Learned advocate further submits that the petitioner is approaching the High Court on the self-same cause of action on repeated occasions. Learned advocate further emphasizes that there has been no violation of the civil court's order and as such interference of this court is not required.

In view of the report so submitted by the police authorities, that no cognizable offence has been made out, if the petitioner is dissatisfied with the same, petitioner would approach the jurisdictional

criminal court by way of invoking the provisions of section 175 of the BNSS or section 223 of the BNSS.

As the petitioner and the private respondents primarily seem to be at loggerhead, the police authorities would continue to keep a strict vigil and ensure that no untoward incident stems out from the dispute and differences between the parties.

With the aforesaid observations WPA 25481 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)