

08.11.2024

Item No.9

Ct. No.35

dc.

W.P.A. 25295 of 2024

**Sri Pradip Nag
versus
The State of West Bengal & Ors.**

Mr. Gopal Mondal ... For the Petitioner.

Mr. Nilotpal Chatterjee,
Ms. Munmun Ganguly ... For the State.

Mr. Juin Dutta Chakraborty
... For the Respondent No.10.

Report submitted by the learned advocate appearing for the State be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner is being threatened and abused at the behest of the private respondents. To that effect, he complained with the Officer-in-Charge, Mohanpur Police Station. However, till date no action has been taken.

Learned advocate for the State has submitted a report wherefrom it reflects that the petitioner approached the learned Executive Magistrate, Barrackpore under Section 163(2) of BNSS and accordingly an enquiry was conducted with a report being submitted before the jurisdictional court.

Learned advocate appearing for the private respondent no.10 submits that the private respondent has instituted a title suit before the jurisdictional civil court and to that effect orders have been passed. So far as the allegations relating

to mental torture/abusive language being hurled and/or the petitioner is being heckled are concerned, the same are false and frivolous and may not be taken into consideration.

Be that as it may, I have taken into account the steps taken by the police authorities as also the plight expressed by the petitioner. Having considered the same, I am of the view that the present is not a fit case to invoke the jurisdiction under Article 226 of the Constitution of India. The petitioner would be at liberty to approach the jurisdictional criminal court which would assess regarding the materials in possession of the petitioner and thereafter exercise its discretion in accordance with law under the relevant provisions of Section 175(3)/223 of BNSS 2023.

The police authorities are directed to keep a strict vigil and ensure that no untoward incident happens at the instance of either of the parties.

With the aforesaid observations, the writ petition being WPA 25295 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)