

M/L 144
03.12.2024
Court. No. 35
*Suvayan/
Sourav*

WPA 25466 of 2024

**Ajay Chowdhury
Vs.
The State of West Bengal & Ors.**

*Mr. Kajal Mukherjee
Mr. Bikash Chakraborty
Mr. Santanu Chatterjee*

...for the petitioner.

*Mr. Wasim Ahmed
Mr. Md. Shehabuddin*

...for the State.

*Mr. Amitava Mukherjee, Sr. Adv.
Mr. M. M. Dubey
Ms. Arpita Saha
Ms. Ankita Ghosh*

...for the respondent no. 5.

Petitioner complains that he submitted an information on 15.05.2024 to the Inspector-in-Charge, Baguiati Police Station which has not been acted upon. Accusation of the petitioner is that one of the brother has illegally transferred different portion of his deceased father's property thereby depriving him of his dues. It has also been complained that the private respondent is having association with local antisocial elements and as such no action has been taken till date.

Learned Advocate appearing for the State contends that the allegations are *inter se* the family members and as such police has hardly any scope to interfere without an appropriate order from Court of law.

Learned Advocate for the respondent No. 5 submits that no documents have been enclosed in the writ

petition and only on the basis of the complaint addressed to the Inspector-in-Charge of the police station the present writ petition has been referred.

Be that as it may, as the police authorities have not acted upon the complaint of the present petitioner, petitioner would be at liberty to approach the jurisdictional criminal court under the relevant provisions of Section 175(3) of the BNSS or Section 223 of the BNSS. The learned Magistrate would assess regarding the accusations and dispose of such application if so filed in accordance with law.

In the meantime if there is any dispute and difference between the parties police would ensure that there is no breach of peace takes place and no untoward incident crops up because of the inimical relationship between the petitioner and private respondent.

With the aforementioned observations, the instant writ petition being **WPA 25466 of 2024** is hereby disposed of.

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

(Tirthankar Ghosh, J.)