

W.P.A. 24427 of 2023

**Rohit Kumar Gupta
-versus
State of West Bengal & Ors.**

**Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Prabhat Kumar Pandey.
... for the petitioner**

**Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Jaladhi Das.
... for the State**

Affidavit-of-service filed on behalf of the petitioner in Court today is taken on record.

Despite service none appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was having a dispute with a business entity in Assam. Suddenly, a police officer from a police station in Assam came to the petitioner and obtained four cheques from his and his wife sitting at the Khardah Police Station under the supervision of respondent no. 4. This is nothing but a case of extortion. The incident happened on 23.07.2023. Soon thereafter on 31.07.2023 a complaint was made by the petitioner by speed post with acknowledgement due. But no action was taken by the police authorities. On 12.09.2023 a similar complaint was again sent by post.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It is true that one person from the police station in Assam came and

interrogated the petitioner. But no objection was raised by either the petitioner or his wife at that point. The investigation was being done in respect of an FIR being case no. 217 of 2023 dated 11.07.2023 under Section 407 of the Indian Penal Code. No police authorities of the State had anything to do with such investigation.

The contentions raised by the petitioner involve several disputed facts.

If the petitioner believes that a cognizable case is made out on the complaints made by him before the police and not acted upon, he shall be at liberty to proceed in terms of the ratio laid down in **Aleque Padamsee's case (2007) 6 SCC 171**.

However, the police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by the police petrol.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)