

Sl.No.

164 03.12.2024

*Court
No. 35*

G.S.Das

WPA 25685 of 2024

Radhanath Ghosh & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Md. K. Basar Bulbul

Mr. Samirul Sardar

... for the petitioners

Mr. Nilanjan Bhattacharjee, Id. Sr. Adv.

Mr. A. Chatterjee

... for the respondent nos. 7-9

Mr. K. J. Yusuf, Id. AGP

Mr. Parikshit Goswami

... for the State-respondent(s)

The petitioner complains that in spite of informing the police authorities on 13.08.2024, no action has been taken.

It has been alleged that the Power of Attorney was revoked and, in spite of that, the accused/respondents have transferred the property accruing benefits to them.

A report has been submitted by the State. Let the same be kept with the record.

The report reflects that after revocation of the Power of Attorney the land was conveyed in favour of the respondent no.6. A Title Suit being T.S. 258 of 2024 is also pending *inter se* the parties.

Learned advocate for the respondent nos. 5 and 6 submits that, a substantial amount has been accepted by the petitioner, thereafter, the respondents are being proposed to be implicated in criminal cases.

Learned advocate for the respondent nos. 7, 8 and 9 supports the submissions advanced by the respondent nos. 5 and 6.

Be that as it may, having considered the factual circumstances involved; the Civil Court is *in seisin* of the matter and that the police authorities are not responding to the

complaint/information submitted by the present petitioner, I grant liberty to the petitioner to approach the learned jurisdictional Magistrate under Section 175(3) of the BNSS.

The learned Magistrate would take into account whether any offence has been made out under the provisions of BNS, thereafter, pass necessary orders as it deems fit and proper.

Needless to State that pendency of a civil proceeding is not a bar for initiation of a process under the criminal law. However, the learned Magistrate would be the appropriate authority in the background of the factual circumstances, who would independently decide the case without being influenced by any of the observations made hereinabove.

With the aforesaid observations,

WPA 25685 of 2024 is disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the State.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)