

January 19, 2024
AD 43
Ct. No.14
SG

WPA 25090 of 2023

Gouranga Chandra Roy and others
vs.
Inspector-in-Charge/Officer-in-Charge,
Bongaon Police Station and others

Mr. Swapan Kumar Mazumder
Mr. Saptarshi Mazumder
... for the petitioners

Mr. Amitesh Banerjee
Mr. Tarak Karan
... for the State

Mr. Mahadeb Sarkar
Mr. Bikash Chowdhury
... for the respondent Nos.6 to 8

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the property in question. They were in need of money. They sold the property. When they went to the office of Sub-Registrar, in collusion with the Sub-Registrar and the BL & LRO they found that the property has been recorded in the name of some other person as the same had been conveyed by the private respondent Nos.6 to 8. A complaint was made before the police, but no step was taken. It appears that a sanction is required under Section 197 of the Code for filing an FIR. A prayer has also been made for obtaining such sanction.

Learned advocate for the private respondents denies the allegations made in the writ petition and submits that no prima facie case is made out from the complaint.

It appears that no sanction under Section 197 of the Code is required for registering an FIR. Sanction is required only for taking cognizance. That stage has not come.

However, if a sanction is required for moving an application under Article 156(3) of the Cr.P.C. the petitioner has reportedly already applied for the same.

If the petitioners believe that a cognizable offence is made out, they shall be at liberty to act in terms of the directions passed by the Hon'ble Apex Court in *Aleque Padamsee's case* reported at (2007) 6 SCC 171.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]