

January 19, 2024
AD 46
Ct. No.14
SG

WPA 25101 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. Suddhadev Adak
... for the State

Mr. Mahadeb Sarkar
Ms. Soma Chakraborty
Mr. Bikash Chowdhury
... for the respondent No.5

Report filed by the State is 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 tried to sell the property. When they went to the office of the Sub-Registrar, they found that the property has been recorded in the name of some other person in collusion with the Sub-Registrar and the same was conveyed by the private respondent No.5. 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 respondent denies the allegations made in the writ petition and submits that no prima facie case is made out from the complaint.

No sanction under Section 197 of the Code is required for registering an FIR. Sanction is required only before 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 already applied for the same.

If the petitioners believe 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.]