

75 22.01.2024
NB Ct. 14

WPA 25284 of 2023

Sonakshi Real Estate Developers Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Mr. Sibaji Kumar Das,
Mr. Dipendu Sarkar.
...for the petitioner.

Mr. Biswabrata Basu Mallick Id.AGP.,
Ms. Mrinalini Majumder.
...for the State.

Mr. Avik Ghatak,
Mr. Soham De Dhara.
...for the respondent nos.5,6&7.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners were the Directors in a company who had entered into a deed for development of a property. In 2021, three of the said Directors being the private respondents resigned. After resignation, the private respondents forged the seal of the company and prepared a deed of cancellation of the development agreement and thereafter sold away some of the properties. The police first did not register any FIR. After a direction was passed under Section 156(3) of the Code of Criminal Procedure, an FIR was registered, but no investigation was done. None of the accused has been arrested till date.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The pleadings are as if the forged deed is in the custody of the petitioners. It appears from the records that the petitioners were Directors of the company when such cancellation deed was executed.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The complainant had also filed a civil suit which has not been disclosed in the writ petition. From the deed of agreement for development as well as the cancellation deed, it does not appear that there was any memo of consideration. However, investigation is going on and necessary steps would be taken in this regard.

It appears that pursuant to a direction of a learned Magistrate under Section 156(3) of the Code, an FIR was finally registered on 01.09.2023. Till date, no report in final form has been submitted.

Let the Investigating Agency conclude the investigation as expeditiously as possible and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)