

D/L 15
05.12.2024
Kausik
ct.no.35

W.P.A. 28761 of 2024

**Imdadul Biswas @ Raju
Versus
State of West Bengal & Ors.**

Mr. Tarunjyoti Tewari
Ms. Kausiki Bose

...for the petitioner.

Mr. Surya Prasad Chattopadhyay
Ms. Trishtrya Mancherji

...for the private respondent no. 5.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

...for the state.

Petitioner submits that because of family feud Baguiati PS Case No. 693/2024 dated 25.11.2024 was registered for investigation against the present petitioner and others.

Learned advocate submits that the concerned investigating officer is unnecessarily harassing the petitioner and/or humiliating him.

Learned advocate has made other submissions which for the time being need not be gone into until and unless there are specific allegations inviting the attention of superior officers concerned. However while perusing the records I find that a notice under section 35(3) BNSS has been

issued by one sub-inspector namely Madhusudan Bag of Baguiati PS, Bidhannagar Police Commissionerate.

Since the concerned police station is under the jurisdiction of commissionerate zone and a notice under section 35(3) of BNSS has been issued, I direct the Commissioner of Police to assess the section 35(3) of BNSS and the contents of the notice which was issued by the concerned officer of Baguiati Police Station. The said notice is almost in respect of all undertakings to be given before the investigating officer which is never the purpose of the section under which it is issued.

Accordingly appropriate advice and restructuring of the format of notice be done by all the police stations of the said commissionerate, adhering to the provisions of law.

So far as the main writ petition is concerned, there is dispute and difference in between the family. The offences complained of are such that regular attendance before the police station is unwarranted. If any document is required, police authorities would give reasonable opportunity to the petitioner and at proper timings after affording substantial time, the same may be submitted in accordance with the requirements of law.

The superior officers will also check that under the garb of family feud if any case is registered, unnecessarily the other side may not be harassed as in offences of such nature, civil courts are already in seisin of the disputes.

With the aforesaid observations WPA 28761 of 2024 is disposed of.

Report so submitted be kept with the record.

Registrar General, High Court, Calcutta will communicate this order to the Commissioner of Police, Bidhannagar Police Commissionerate for taking appropriate steps.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)