

10.06.2024
Ct. No. 2
Item No. 82
Cp

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA No. 1041 of 2024

Sambhu Debnath & anr.

Vs.

The State of West Bengal & anr.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
Ms. Rishita Chakraborty

....for the petitioner.

Mr. Milindo Paul
Ms. Bedashruti Bose
Mr. Subham Das

.....for the respondent no. 2.

Mr. Hirak Barman

.....for the State.

The petitioners allege overt act of the police authorities as also Ms. Cholamandalam Investment & Finance Co. Ltd. The petitioners claim compensation for the suffering caused on account of arrest of the petitioner no.1. The petitioner prays for compensation to the tune of Rs.5,00,000/-.

It is the contention of the petitioners that the police authorities illegally arrested the petitioner No.1 without taking into account that the dispute with the financing company had been settled by the National Lok Adalat and payments had been made. The financing company

also prayed before the criminal court that the offence of the petitioners be compounded.

The petitioners contend that the financing company acted contrary to its own conduct and got the petitioner arrested by suppressing the order passed by the Lok Adalat, permitting the petitioner to pay the dues. It is also submitted that the police authorities did not take into consideration the orders passed by the National Lok Adalat at Jalpaiguri when the same was shown to the police, by the petitioners. By the order of the National Lok Adalat, the disputes were settled. Ms. Cholanmandalam Investment & Finance Co. Ltd. instigated the police authorities and got the petitioner arrested.

It appears that the matter was settled before the Lok Adalat and the warrant of arrest was executed after the settlement.

However, the remedy of the petitioner is by way of claiming damages against the offending parties for the alleged illegal detention and other illegal activities as alleged herein. The writ petition cannot be entertained in the manner it has been filed. Computation and quantification of the damages has to be made with proper details. The allegations made by the petitioner are to be proved by cogent evidence.

Under such circumstances, the writ petition is disposed of.

The petitioner is granted liberty to take steps in accordance with law, by approaching the Civil Court.

This court has not gone into the merits of the issues involved. The petitioner has already been released on bail and the matter has been compounded before the criminal court.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)