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ORDER SHEET
WPO/383/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ JURISDICTION
ORIGINAL SIDE

SHREE MAHADEOLALL TULSIAN FAMILY TRUST AND ORS.
VS
STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE JAY SENGUPTA
Date : 14TH May, 2024.

Appearance:
Mr. Debpriya Gupta, Adv.
... For the Petitioner.

Mr. Sirsanya Bandopadhyay, Adv.
Ms. Tapati Samanta, Adv.
...For the State

The Court :- Affidavit of service filed on behalf of the petitioners is taken on record. Report filed on behalf of the State is taken on record.

Learned Counsel appearing on behalf of the petitioners submits as follows. The accused entered into an agreement for purchase of a property for a total consideration of Rs.39,00,000/- (Rupees Thirty Nine Lakhs). They gave an earnest money of Rupees 10,00,000/- (Rupees Ten Lakhs) to the petitioners. However, they did not go ahead with the deal and forced the petitioners to return such money by threatening and intimidating the petitioners and putting them in fear of filing false cases. Accordingly, a complaint was made before the police, which was not acted upon.

Learned Counsel appearing on behalf of the State relies on the report and submits that no cognizable offence is made out from the letter of complaint, that is why no FIR was registered.

In the event the petitioners are still of the view that cognizable offences are made out in their complaint, they shall be at liberty to act in terms of *Alque Padamsee's Case*, (2007) 6 SCC 171.

With the above observations, the writ petition is disposed of.

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

(JAY SENGUPTA, J.)

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