

ORDER SHEET
WPO No.1500 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI ANIL KUMAR GOYAL
VERSUS
THE STATE OF W.B. & ORS.

BEFORE :
THE HON'BLE JUSTICE RAJASEKHAR MANTHA
Date: 25TH APRIL, 2024.

Mr. D. Trivedi, Adv.; Mr. B.K. Singh, Adv., for petitioner.
Mr. A. Banerjee, Sr. Adv.; Ms. I. Banerjee, Adv., for State.
Mr. R. Majumder, Adv.; Mr. S. Lahiri, Adv.; Mr. Z. Haque, Adv.; Mr. K. Banerjee, Adv.; Ms. S.
Paul, Adv., for respondent nos.5 to 8.

1. The Court:- The Court has heard the learned counsel appearing for the petitioner, Mr. Trivedi, and Mr. Mazumdar, learned counsel appearing for the private respondents.
2. The report of the Shakespeare Sarani Police Station, filed by Mr. Banerjee, Sr. Advocate, leading Ms. Ipsita Banerjee, Advocate, dated 6th April, 2024 has also been considered. The FIR No.128, dated August 8, 2023 has been registered by the Shakespeare Sarani Police Station and investigation is underway.
3. The substance of the grievance of Mr. Trivedi is that the investigation is not proceeding in the proper direction and the relevant sections have not been added. It is submitted that all the documents have been supplied to the IO pursuant to notice under Section 91 of the CrPC. The IO, according to the petitioner, has not take into consideration the documents supplied by the petitioner.

4. Admittedly, there is a civil suit pending between the parties under section 6 of the Specific Relief Act before the City Civil Court at Calcutta being TS No.1457 of 2023.
5. This court is of the view that the petitioner's remedy, if any, is not only in the civil suit but also against the report in the final form that would be filed by the IO before the concerned Magistrate under section 173(8) of the CrPC.
6. This Court, however, directs the IO to take into consideration the documents annexed to the writ petition and the supplementary affidavit filed before this Court and record any further statement of the petitioner. The writ petitioner shall be entitled to submit a communication in detail duly signed by him which the IO may treat as a statement of the petitioner complainant.
7. It is expected that the investigation into the subject FIR is completed as expeditiously as possible, preferably within a period of two months from date. Needless to mention, if the IO finds sufficient material, he may include further sections in his final report, if so deemed necessary.
8. With the aforesaid directions, the writ petition stands disposed of.

(RAJASEKHAR MANTHA, J.)