

Sl.No.

35 17.01.2025

Court

No. 35

G.S.Das

WPA 266 of 2025

Apu Guha & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. A. K. Datta

Mr. I. Rahaman

... for the petitioner(s)

Mr. Rajarshi Basu

Mr. S. T. Mina

... for the State-respondent(s)

The petitioners being senior citizens are aggrieved by the fact that they are being attempted to be implicated in false cases by the private respondents, who are trying to occupy their land.

Additionally, it has been complained that the petitioners are informing the police authorities but, no positive steps are being taken on the basis of their complaint, rather, on the basis of the complaint of the private respondents, a case has been registered.

Learned advocate for the State has submitted a report, which reflects that on the basis of the complaint of the private respondents, Sonarpur P.S. Case No. 1364 of 2024 has been registered for investigation and on the basis of the information furnished by the petitioner, a proceeding under Sections 126/135(3) of the BNSS has been drawn up against the respondent no.6.

Be that as it may, the petitioners are aggrieved by the act and actions of the police authorities as the police authorities, in spite of receipt of the information furnished by them, have not acted in accordance with law and, on the other hand, has been calling them to the police station without any authority and/or without exercising due process of law.

If the petitioners are aggrieved by the act and actions of the police

authorities in not registering any case, the petitioners would be at liberty to approach the jurisdictional criminal court with appropriate prayers under the relevant provisions of Section 175(3) and/or under Section 223 of the BNSS. The jurisdictional criminal court will exercise its discretion in respect of the prayers sought for.

So far as the other accusations against the police authorities are concerned, I am of the view that if the police authorities require attendance of the petitioners, they would issue notice under the relevant provisions of law.

It is further directed that since the petitioners and the private respondents are at loggerheads, the police authorities would keep a strict vigil and ensure that no breach of peace and tranquility takes place.

With the aforesaid observations,
WPA 266 of 2025 is disposed of.

Report so submitted be kept with
the record.

Parties to act on a server copy
of this order duly collected from the
official website of the Hon'ble High Court,
Calcutta.

(Tirthankar Ghosh, J.)