

17.03.2025
Court No. 35
Item No.132
Rakib

W.P.A. 1088 of 2023

Kuldip Khanna.
VS
The State of West Bengal & Ors.

Mr. Sankar Biswas,
Ms. Ananya Adhikary.
... for the Petitioner.
Mr. S. Bhattacharjee.
...for the Private Respondent.
Mr. Md. Galib,
Mr. Kapil Guha.
... for the State.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by that the fact that inspite of direction of the learned Executive Magistrate, there was violation of the breach of peace and tranquility and the private respondents demolished a portion of the wall of the petitioner's property and took away the doors, windows and grill gates. To that effect representation was made to the Officer-in-Charge, Electronics Complex Police Station on or about 29.12.2022 but till date no action has been taken by the police authorities.

State has submitted a report. Report reflects that police authorities have taken steps only to the extent of maintaining peace and tranquility under Section 107 of the Code of Criminal Procedure.

Petitioner's main grievance is that a cognizable offence has been made out, in spite of that no case has been registered by the police authorities. In view of the

passage of time which has passed, I grant liberty to the petitioner to approach the Jurisdictional Criminal Court by way of invoking the provisions of Section 156(3) of the Cr.P.C. or Section 175(3) of BNSS, the learned Magistrate will assess whether the any cognizable offence is made out, ascertain whether a case for investigation is made out and thereafter pass directions in accordance with law.

With the aforesaid observations WPA 1088 of 2023 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

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

(Tirthankar Ghosh, J.)