

07.02.2025

Item No.28

Ct. No.35

dc.

W.P.A. 2157 of 2025

**Molla Nijamuddin & Anr.
versus
State of West Bengal & Ors.**

Mr. Mohinoor Rahaman,
Ms. Iqra Rahaman ... For the Petitioners.

Mr. Suman Ghosh,
Mr. Pratik Gorai ... For the State.

Mr. Dilip Kumar Samanta,
Mr. Anindya Sundar Das,
Mr. Raja Adhikari,
Mr. Mrinal Das,
Mr. Debapriya Samanta,
Mr. Suhotro Palit ... For the Respondent Nos. 5, 6 & 7.

Two reports submitted by the learned advocate appearing for the State be kept with the record. A copy of the reports without enclosures be handed over to the learned advocate appearing for the petitioners.

The petitioners complain that at gunpoint, the private respondents snatched the deed of their property, forced them to sign six blank cheques of Rs.10,00,000/- each as also threatened the petitioners that they would kill and kidnap their daughters. In spite of informing such incident to the police authorities, the police authorities did not act on such information.

State submitted reports which reflect that the police authorities conducted enquiry and the respondent no.5 gave money to the petitioners for purchasing Gushkara Rice Mill. Such money was handed over on different dates. Over this issue

dispute and difference arose. A written declaration was also made by the petitioners wherein they stated that they would repay the amount received. The report prepared by the Inspector-in-Charge, Burdwan Police Station additionally reflects that on the complaint of the Director, Gushkara Rice Mills Pvt. Ltd., Jorabagan P.S. Case No. 57/2024 dated 06.04.2024 has been registered for investigation and started against respondent no.5 and two others. Another report has been submitted by the Officer-in-Charge, Saktigarh Police Station wherein the police authorities have drawn up proceedings under Sections 126/135(3) of BNSS. Having regard to the fact that in spite of receipt of the information the police authorities only conducted an enquiry, I direct that the petitioners would be at liberty to approach the appropriate jurisdictional Magistrate by way of invoking the relevant provisions of law. The learned Magistrate would assess regarding the factor as to whether any offence under the provisions of criminal law has been made out and then exercise his discretion, if he deems fit and proper for passing necessary orders by way of either directing the police authorities or by way of issuance of process.

With the aforesaid observations, the writ petition being WPA 2157 of 2025 is disposed of.

There will be no order as to costs.

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.)