

M/L 22
10.02.2025
Bpg.
ct.no.35

W.P.A.2350 of 2025

**Anjumanara Khatun
Versus
The State of West Bengal & Ors.**

Mr. Omar Faruk Gazi
Ms. Ayasha Najrin
Ms. Susmita Das
Ms. Bidisha Das.
...for the petitioner.

Mr. Somnath Ganguli
Ms. Kalpita Paul.
...for the State-respondents.

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

Petitioner claims that in spite of completing
the obligations relating to monetary transactions, the
accused named in the complaint dated 13.01.2025 is
making unnecessary and illegal claim, thereby
harassing the petitioner. It is further alleged that
since the son of the named person in the information
happens to be a civic volunteer, he is exhausting his
powers, thereby preventing the petitioner from having
any remedy from the police authorities.

State has submitted a report. Report reflects
that out of Rs.50 lakhs, a sum of Rs.22 lakhs were
paid by way of installment as an advance. However,
rest of the money was not paid and accordingly the
owner of the property transferred the same to a third

party and the money is also not being returned. It is only for return of the money presently for which the petitioner is trying to invoke the jurisdiction of this Court.

Having considered the report as well as the submissions advanced on behalf of the petitioner, I direct that the petitioner will approach the jurisdictional criminal court by invoking its powers under Section 175(3) of the BNSS. Learned Magistrate would first detect whether any cognizable offence is made out thereafter will also test whether a case for investigation is made out and then exercise his discretion whether to pass necessary orders for investigation or for issuance of process. In the meantime, the police authorities would keep a strict vigil and ensure that there is no breach of the peace and/or tranquility in the locale.

With the aforesaid observations, WPA 2350 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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

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

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

(Tirthankar Ghosh, J.)