

D/L 53
17.02.2025
Kausik
ct.no.35

W.P.A. 2889 of 2025

**Sk. Esraj
Versus
State of West Bengal & Ors.**

Mr. Mujibar Ali Naskar
Mr. Sandip Kr. Mandal

...for the petitioner.

Mr. S.K. Mukherjee
Mr. Sk. Md. Ali

...for the respondent nos. 4 to 7.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

...for the state.

Petitioner is aggrieved by the fact that initially a case was registered being Chanditala P.S. Case No. 1003/2024. The said case was registered against the relations of the petitioner.

Subsequently, another brother of the petitioner informed the police station regarding the nature of cognizable offence committed including that the shop of the petitioner having been ransacked and a sum of Rs. 1,40,000/- having been taken away by the accused persons which included amongst other the complainant of the Chanditala PS Case No. 1003/2024.

Police authorities have submitted a report. Report reflects on the relevant date there was a hot altercation between the petitioner and the private respondents.

However, police authorities as such were compelled to draw proceedings under section 126/135 BNSS. However, the police authorities did not find any cognizable offence having been made out.

Learned advocate for the respondent nos. 4 to 7 is present and submits that the information furnished to the police authorities which was relating to 28.01.2025 are wholly concocted and was aimed at diluting the actual incident which resulted in the police case for which the complainant being respondent no. 4 set the law into motion.

Be that as it may, since the information which was furnished to the police authorities, referred to incidents which might have consequences, petitioner would be at liberty to approach the jurisdictional magistrate under section 175(3) of the BNSS. Learned Magistrate would assess as to whether any cognizable offence is made out, thereafter assess whether any case for investigation is made out and then pass necessary directions as it deems fit and proper in accordance with law.

Police authorities have already kept surveillance. They are directed to continue with the strict vigil and ensure that no breach of the peace and tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 2889 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)