

D/L 68
17.02.2025
Bpg.
ct.no.35

W.P.A.3004 of 2025

**Asfar Zamadar
Versus
The State of West Bengal & Ors.**

Mr. Rafikul Islam Sardar.
...for the petitioner.

Mr. Sudipta Panda
Ms. Ananya Neogi.
...for the State-respondents.

Mr. Abhilash Chatterjee.
...for the private respondent nos.4 to 9.

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

Petitioner is aggrieved by the fact that in spite of petitioner being harassed and heckled, the private respondents having acted hand in gloves with the police authorities for the purposes of manufacturing an agreement for creating title over certain properties. Such information were furnished with the police authorities and their superiors, however, no action has been taken. Petitioner claims that he has been seriously prejudiced.

Learned advocate for the State has submitted a report. Report reflects that on the basis of some agreement certain amounts were transacted between the parties although the same were not full, final and complete. However, there was a dispute and

difference which was blown out of proportion. Accordingly police authorities were forced to draw up proceedings under Section 126 of BNSS of 2023. However, it has been specifically averred that during enquiry the allegation of cognizable offence has not been made out in respect of the incident against the respondents.

Learned advocate for the respondent nos.4 to 9 submits that the petitioner has on the basis of certain afterthought incidents informed the police authorities particularly with the incidents which happened long ago and was not in close proximity of time after the respondents paid the money.

Be that as it may, having considered that agreements are genesis of the nature of dispute and difference and there are accusations of some money being paid and some money being not paid, the same requires deliberation. Accordingly, petitioner would be at liberty to approach the jurisdictional court with prayers under relevant provisions of law. Learned Magistrate would assess whether a cognizable offence is made out, thereafter also assess whether a case for investigation has been made out and then pass necessary orders in accordance with law.

With the aforesaid observations, WPA 3004 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State 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.

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

(Tirthankar Ghosh, J.)