

D/L 14
21.02.2025
Kausik
ct.no.35

W.P.A. 3157 of 2025

**Maya Dey
Versus
State of West Bengal & Ors.**

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar

...for the petitioner.

Mr. Samiron Mondal
Mrs. M. Chakraborty

...for the respondent no. 4.

Mr. Joydip Banerjee
Ms. Rupsha Chakraborty

...for the state.

Petitioner is aggrieved by the fact that in spite of informing the police authorities on 16.01.2025 in respect of the atrocities inflicted by the private respondent no. 4, the police authorities till date have not taken any steps. Petitioner claims himself to be a senior citizen who is being subjected to peaceful enjoyment of his property on frivolous grounds raised by the private respondent.

Learned advocate for the private respondent submits that there are documents in support of his claim and as the private respondent owes money from the petitioner, he is being attempted to be falsely implicated in the criminal case.

Learned advocate for the State has submitted a report. State has already drawn up proceedings under section 126/135 of the BNSS. In view of the contentions advanced by the petitioner, I direct that the petitioner would be at liberty to approach the jurisdictional Magistrate under section 175(3) of the BNSS. In case the learned Magistrate on a preliminary enquiry finds that a cognizable offence is made out and a case for investigation is made out, learned Magistrate will exercise its discretion and pass necessary directions.

In the meantime, police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the parties.

In case the petitioner has any complaint in respect of any government servant, the Superior Officer of the concerned government servant be complained of. So that appropriate steps can be taken by the Superior Officer in accordance with law.

With the aforesaid observations WPA 3157 of 2025 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocates appearing for both the parties.

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

(Tirthankar Ghosh, J.)