

D/L25
21.02.2025
Rohit
ct.no.35

WPA 3228 of 2025

**S.B. Travels Rept By Sole Proprietor Md Seraj
Versus
The State of West Bengal & Ors.**

Mr. Chirantan Sarkar
Mr. Sultan A. Mondal

...for the Petitioner

Mr. Suman Sengupta
Mr. Sambuddha Dutta

... for the State Respondents

Mr. Arnab Sinha
Ms. Shyantika D. Chowdhury

...for the Respondent No. 4

Petitioner has approached this Court as the police authorities did not respond to the information which was furnished on or about 24th of January, 2025. Petitioner's grievance is that petitioner purchased a vehicle being Toyota Etios and to that extent took a car loan. Petitioner's contention is that he has repaid whole of the loan yet by flexing muscles the recovery agents have repossessed the vehicle. Additionally, it is submitted that there was an agreement which contains arbitration clause. There is no award of arbitration having been passed and in

spite of that the vehicle has been taken away by use of force and kept at a particular parking zone.

Learned Advocate for the State has submitted a report. Report reflects that an enquiry was conducted pursuant to the information received. Report also reflects that they were addressed which surfaced on enquiry. It has also been found during enquiry that at the time of taking possession the petitioner denied to sign on the inventory list.

Learned Advocate for the respondent No. 4 submits that petitioner is participating in the process of arbitration. The subject matter of arbitration has nothing to do with the repossession of the vehicle as the clause in the higher purchase agreement entered into between the petitioner and the respondent no.4 provided clauses for repossessing the vehicle in case there were defaults in paying installments.

Having considered that the dispute between the petitioner and the respondent No.4 arose out of an agreement and the police authorities on enquiry prima facie did not find that a cognizable offence has been made out I am of the view that the petitioner should approach the jurisdictional criminal court for appropriate reliefs by invoking the relevant provisions of law in case he is dissatisfied with the outcome of

the information furnished to him with the Inspector-in-Charge, Dankuni Police Station.

With the aforesaid observations WPA No. 3228 of 2025 stands 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.)