

21.02.2025
Item No.46
Ct. No.35
dc.

W.P.A. 3401 of 2025

Binay Ray
versus
The State of West Bengal & Ors.

Mr. Ritwik Pattanayak ... For the Petitioner.

Ms. Jhuma Chakraborty,
Ms. Munmun Tewary ... For the State.

Mr. Santanu Mukherjee,
Ms. Gargi Saha ... For the Respondent No.7.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that he was called at the police station and was detained for one hour on the particular date and subsequently on another date, he was called and detained for two hours. Learned advocate additionally submits that the petitioner was directed to settle the dispute with one Sumi Debnath.

State has submitted a report which reflects that an enquiry was being conducted and the enquiry reflected that certain amount was taken from the said Sumi Debnath over which an information was furnished to the police station and on the said basis, the petitioner was called at the

police station. Learned advocate submits that a civil suit was filed at the behest of Sumi Debnath which was subsequently dismissed and police authorities have in fact acted beyond the powers of law without registration of the case.

Having considered that the petitioner was called at the police station pursuant to an enquiry being conducted, I do not find any illegality in the act and action of the police authorities concerned. However, so far as the accusation regarding to settlement of the dispute is concerned, as submitted by the petitioner that the police authorities coerced for such settlement, I am of the view that the police authorities are not vested with such powers.

Accordingly, it is directed that in case the petitioner intends to pursue with such remedy for coercion being inflicted, the petitioner would be at liberty to invoke the jurisdiction of the learned Magistrate under Section 175(4) of BNSS. The learned Magistrate would adhere to the provisions of law and pass necessary directions.

With the aforesaid observations, the writ petition being WPA 3401 of 2025 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)