

26.02.2025
Court No. 35
Item No.250
Rakib

W.P.A. 4060 of 2025
Abani Bhusan Mondal.
VS
The State of West Bengal & Ors.

Mr. Pramit Chakraborty.
... for the Petitioner.
Mr. Sayak Ranjan Ganguly,
Mr. Sujan Ghosh,
Ms. Indrani Majumdar.
...for the Respondent Nos. 9&10.
Ms. Sabnam De Bardhan, Jr. Govt. Adv.
... for the State.

Petitioner is aggrieved by the inaction of the police authorities as according to the petitioner the private respondents being associated with respondent no.9 flexed their muscles and forcefully recovered the vehicle from the possession of the driver. It has been further alleged that inspite of informing Saktigarh Police Station no action was taken by the said police station.

State has submitted two reports, one prepared by the Officer-in-Charge, Burrabazar Police Station and other by the Officer-in-Charge, Saktigarh Police Station.

The subject matter of the vehicle which has been repossessed arises out of Hire Purchase Agreement. There are issues relating to default in payment of EMIs. If the repossession has taken place pursuant to the violation of the clause of agreement concerned, the petitioner is entitled to invoke the jurisdiction of the other forum. The scope of the police authorities are very restricted in such circumstances where an agreement has been entered into

by and between the parties. The scope of the police authorities were to ensure as to whether any excesses were involved while repossession of the vehicle. Petitioner challenges the legality of all the actions of the finance company which is not within the domain of the police authorities to deal with.

The report of Saktigarh police station reflects that the incident happened within the jurisdiction of Memari Police Station, however, the parking was at a jurisdiction within the Saktigarh Police Station. To that extent the police authorities could have taken steps if it was within their knowledge that any offence has been committed. That being not done the petitioner would be at liberty to approach the Jurisdictional Magistrate under the relevant provisions of law. The learned Magistrate will conduct a preliminary enquiry to assess whether any cognizable offence is made out as also ascertain whether any case for investigation has been made out and thereafter pass necessary orders by exercising his discretion in accordance with law.

With the aforesaid observations WPA 4060 of 2025 is disposed of.

Reports so submitted by the State be kept with the record.

Copies of the report be handed over to the learned advocate appearing for the petitioner.

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.)