

D/L 26
04.03.2025
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ct.no.35

W.P.A.4291 of 2024

**Biswajit Bandyopadhyay & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Abdur Rakib
Mr. Arijit Pradhan
Mr. Mojahid Mehedi.
...for the petitioners.

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque.
...for the State-respondents.

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

Petitioners are aggrieved by the fact that in spite of informing the Inspector-in-Charge, Uttarpara Police Station on or about January, 2024, till date no action has been taken.

The main grievance of the petitioners are that they have been cheated by Subhojit Banerjee and Biswarup Banerjee being the private respondents who made false representations and siphoned about Rs.17 lakhs of money. The private respondents, according to the petitioners, have also falsely represented and obtained a legal heir certificate showing their mother is dead. According to the petitioners, their mother is still alive and the private respondents have been

misutilising the document. The police authorities till date did not take any steps.

Learned advocate for the State opposes the contentions and submits that there is an inter se family dispute which has been given the colour of criminal proceedings and information has been furnished to the Uttarpara Police Station.

Be that as it may, in view of the fact that more than one year has passed since the information was furnished to the police authorities and the police authorities till date did not take any action, petitioners, would, if so advised, file an application under Section 175(3) of the Code of Criminal Procedure before the learned Judicial Magistrate. Learned Magistrate would assess as to whether any cognizable offence has been made out, ascertain whether a case for investigation has been made out and thereafter exercise his discretion by way of passing necessary orders upon the police authorities concerned.

With the aforesaid observations, WPA 4291 of 2024 is disposed of.

There will be no order as to costs.

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.)