

D/L 24
18.03.2025
Kausik
ct.no.35

W.P.A. 5160 of 2025

**Dhiraj Prasad
Versus
State of West Bengal & Ors.**

Mr. Chirantan Sarkar

...for the petitioner.

Mr. Rajendra Banerjee
Mr. Souvik Ganguly

...for the private respondent no. 4.

Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Sambuddha Dutta

...for the state.

Petitioner is aggrieved by the fact that in spite of the order passed by the learned ACJM, Rampurhat, Birbhum thereby allowing the protest petition and directing the Officer-in-charge, Nalhati Police Station to ensure further investigation in connection with Nalhati PS Case No. 369/2023 there has been no progress in the investigation.

Learned advocate submits that earlier police authorities arrived at their finding which was not acceptable to the court also and the private respondent was discharged pursuant to the report under section 173 Cr.P.C. filed before the court concerned.

Learned advocate for the private respondent submits that the petitioner and the private respondent are brothers. The nature of the dispute complained of according to the private respondent is a civil dispute and the petitioner is unnecessarily trying to invoke the jurisdiction of the criminal court because of the strained relationship.

State has submitted a report. Report reflects that the police authorities on receipt of the order passed by the learned Magistrate have proceeded with the investigation. However, since the petitioner is apprehensive of such investigation the Additional SP/SDPO, Rampurhat in-charge of Nalhati Police Station will oversee the progress of the investigation.

Police authorities would also ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the strained relationship existing between the parties.

With the aforesaid observations WPA 5160 of 2025 is disposed of.

Report so submitted be kept with the record.

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

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

(Tirthankar Ghosh, J.)