

16.04.2025
Item No.12
Ct. No.01
RP/SM

MAT 526 of 2025

With
IA No.CAN 1 of 2025

**Irin Parvin & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

....For Respondent No.1

1. This intra-Court appeal is directed against the order dated 25.03.2025 passed in WPA 5690 of 2025. The said writ petition was filed by the appellants praying for a direction upon the respondent authorities to take appropriate action against the private respondents in accordance with law as also to ensure that there was no breach of peace takes place and/or no crime is committed by the private respondents against the petitioners.
2. Learned Single Bench after taking note of the fact has pointed out that admittedly there was a dispute between the appellants and private respondents and police authorities would ensure that without due process of law none of the parties are affected of their civil rights. Further, taking note of the report submitted by the police and other facts and circumstances liberty was granted to the appellants

to approach the jurisdictional court under Section 175(3) of the BNSS and Court was directed to assess whether any cognizable offence is made out, thereafter ascertain whether any case for investigation is made out and then exercise its discretion for passing necessary directions, if called for. The Court also recorded the stand that the police authorities have been keeping a strict vigil and they would continue with their endeavour and ensure that there is no breach of peace and/or tranquility and/or any untoward incident resulting from the inimical relationship existing between the parties. With the above observations, the writ petition was disposed of. The appellants appear to be not satisfied with the directions issued by the learned Single Bench and have filed the present appeal.

3. The Inspector-in-Charge, Raghunathganj Police Station, Jangipur Police District, Murshidabad has filed the report dated 8th April, 2025. From the said report it is seen that based on the written complaint regarding physical harassment and vandalism of CCTV cameras at the said defected plot in question a case has been registered on 19.03.2025 against the private respondents and the matter is under investigation. Furthermore, the report states that the private respondent have filed a civil case vide

Case No.492/M/25 under Section 163(2) BNSS before the Court of Learned Sub-Divisional Magistrate/Executive Magistrate, Jangipur Court, Murshidabad against the first appellant herein and the Court has ordered to maintain status quo over the said defected land. Further the police report states that no untoward incident has taken place in the area. Further, it is mentioned that the matter is civil in nature and that the police will comply with any order that may be passed.

4. Since the matter is pending before the Sub-Divisional Magistrate/Executive Magistrate as well as a criminal case has been registered which is under investigation, we dispose of this appeal and the connected application with the same observation as made by the learned Single Bench and the police authority shall ensure that there is no breach of peace and/or tranquility and/or any untoward incident should occur in the said area on account of inimical relationship between the parties. The appellants are directed to prosecute the matter before the appropriate forum, which will be dealt with in accordance with law.

**[T.S. SIVAGNAM]
CHIEF JUSTICE**

[CHAITALI CHATTERJEE (DAS), J.]

