

D/L 8
05.02.2025
Kausik
ct.no.35

W.P.A. 10644 of 2024

**Tirthankar Sengupta
Versus
State of West Bengal & Ors.**

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta

...for the petitioner.

Mr. Anand Farmania
Mrs. Indumouli Banerjee

...for the state.

Affidavit of service so filed be kept with the record.

Petitioner complains that he has been abused and threatened by the private respondents who are disturbing the peaceful life of the petitioner. It has also been submitted that certain C.C.T.V. cameras have been installed in a manner which is infringing upon the privacy of the petitioner and his family members.

State has submitted a report. Report reflects that there has been proceedings under section 107/116 of Cr.P.C. and the petitioner has also filed proceedings under section 144(2) of the Cr.P.C. Report also reflects that against the petitioner a proceeding being Shibpur PS Case No. 62/2024 was

registered for investigation and charge sheet has also been submitted in connection with the said case.

Petitioner's main grievance is that in spite of informing the police authorities repeatedly, no action has been taken by the police authorities. If no action has been taken by the police authorities, it would be for the petitioner to approach the jurisdictional criminal or civil court.

In case the petitioner approaches the jurisdictional criminal court under section 175(3) of BNSS or under section 223 of the BNSS, the concerned court would test regarding the veracity of the accusations and thereafter exercise its discretion in accordance with law.

Needless to state that this court has not gone into the merits so far as the accusations are concerned as to whether any offence has been made out. It would be the exclusive domain of the concerned criminal or civil court to decide the issue and thereafter pass necessary orders.

In the meantime police authorities would keep a strict vigil and would ensure that no untoward incident results or any breach of the peace takes place because of the strained relationship between the petitioner and the private respondents.

With the aforesaid observations WPA 10644 of 2024 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)