

16.05.2025
Item No.166
Ct. No.35
dc.

W.P.A. 10174 of 2025

**Classic Leasing & Finance Ltd.
versus
The State of West Bengal & Ors.**

Mr. Sanjib Dawn ... For the Petitioner.

Mr. K. J. Yusuf, AGP,
Mr. Sanjay Mukherjee ... For the State.

Mr. Debajyoti Deb,
Mr. Shyamal Mondal,
Ms. Somdyuti Parekh ... For the Respondent Nos.6, 7 & 8.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the inaction of the police authorities on two counts. First, as no case was registered by the police station as also the employees of the petitioner were subjected to threats at the behest of the private respondents and in spite of such information being furnished, no steps were taken by the police authorities.

State has submitted a report which reflects that there was a loan which was given to the private respondents by the petitioner/company. They defaulted in repayment. Consequently cheques were issued. There has been dishonour of cheques. Proceedings have been initiated under the relevant provisions of the Negotiable Instruments Act. However, the police authorities were unable to

detect any cognizable offence having been committed and as such did not register FIR.

On the other hand, learned advocate appearing for the private respondent nos. 6, 7 and 8 submits that as cases have been already registered under the relevant provisions of the Negotiable Instruments Act, the police authorities have no role to play in respect of the complaint so furnished.

Having considered the plight expressed by the petitioner, if the petitioner has materials in its custody both for the issues relating to threats as well as deception and/or criminal breach of trust, petitioner would approach the jurisdictional court under the relevant provisions of law. Learned Magistrate would assess the accusations as to whether any cognizable offence has been made out, ascertain whether a case for investigation is made out and thereafter, if he thinks fit and proper, pass necessary directions.

As no affidavits have been called for, the accusations made against the private respondents and/or the State-respondents are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 10174 of 2025 is disposed of.

There will be no order as to costs.

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.)