

20.05.2025
Court No. 35
Item No.104
Rakib

W.P.A. 10556 of 2025

Kajal Sarkar.
VS
The State of West Bengal & Ors.

Mr. Md. Harun All Rashid,
Mr. Sk Mustak Ali,
Ms. Reshmi Khatun.
...for the petitioner.
Mr. Swapan Banerjee, Ld. AGP,
Mr. Soumen Chatterjee
...for the State

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

Petitioner submits that an information was
furnished to the office of the Superintendent of Police on
27.02.2025. The subject matter of the said information
was to the extent that petitioner purchased a vehicle
which was financed by Tata Capital Financial Services
through a Hire Purchase Agreement. Petitioner submits
that he has substantially paid in respect of the EMIs to
the extent of 40 instalments but during the Covid period
he was unable to pay the EMIs and the finance company
repossessed the vehicle forcefully without serving any
notice upon the petitioner.

I find that the incident complained of are of the
year 2023. The information furnished to the
Superintendent of Police was after a considerable period
of time and more than one year. Having regard to the
nature of the complaint and prima facie the same

disclosing that the petitioner was in fault for not repaying number of installments, I am of the view that police authorities under the settled proposition of law could not have taken any steps without interference of the Court.

Petitioner if so advised who would approach the jurisdictional Civil Court for appropriate remedies.

With the aforesaid observations WPA 10556 of 2025 is disposed of.

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.)