

Sl.No.
42M 24.06.2025
Court
No. 35
G.S.Das

WPA 10721 of 2025

Sariful Molla & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Saurbh Guhathakurata
Mr. Abhratanu Sarkar
... for the Petitioner(s)
Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
... for the State-respondent(s)
Mr. Suman Kr. Mukherjee
Mr. A. Sarkar
... for the private respondent(s)

The petitioners are aggrieved by the fact that the information which was furnished to the police authorities on 19.02.2025 in respect of an incident which took place on 17.02.2025 was not reduced to FIR, inspite of cognizable offence having been committed.

Report submitted by the State reflects that the complaint which was addressed to the Officer-in-charge of Hatisala P.S. dated 18.02.2025 was acted upon, although, the private respondents threatened the petitioners, inflicted injuries

for withdrawal of the partisan suit which is already pending.

Learned advocate further submits that the petitioners are unable to enjoy their life and liberty because of the act and actions of the private respondents and the police authorities instead of registering a case against the private respondents, in fact, accepted their information/complaint and instituted Hatisala P.S. Case NO. 31 dated 18.02.2025 for which notice was issued under Section 35(3) of the BNSS.

Learned advocate appearing for the State submits a report which reflects that Hatisala P.S. Case No. 32 dated 20.02.2025 was registered for investigation on the basis of an information furnished on 19.02.2025.

I find that the provisions of sections 115(2), 118(1) and Section 223 of the BNS, 2023 being incorporated

amongst other Sections which reflect that the police authorities have taken steps pursuant to the information so furnished.

Petitioners' further grievance is that the police authorities refused to record the attendance of the petitioners pursuant to the notice under Section 35(3) of the BNSS in connection with the other case being Hatisala P.S. Case No. 31 dated 18.02.2025.

So far as the said issue is concerned, the petitioners would approach the jurisdictional Magistrate which is already *in seisin* of the case.

Since the primary grievance of the petitioners relating to registration of the FIR has already been subserved, I am of the opinion that further interference in the present writ petition is unwarranted.

So far as the respondents are concerned, at this stage, since no affidavits have been called for, the other

allegations made in the writ petition are deemed not to have been admitted.

With the aforesaid observations, WPA 10721 of 2025 is disposed of.

Pending connected application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

