

D/L 45
10.07.2025
ct.no.35
Kausik

W.P.A. 11865 of 2025

**Shakila Begum
Versus
State of West Bengal & Ors.**

Mr. Tarique Quasimuddin
Mr. Abbas Ibrahim Khan
Ms. Meena Shabnam

...for the petitioner.

Mr. Rashin Singh
Mr. Saikat Basu

...for the respondent No. 5.

Mr. Suman Sengupta
Mrs. Amrita Panja Moulick

...for the State.

Petitioner is aggrieved by the fact that in spite of informing the local police station as also the Superior Officers of Police in respect of theft, cheating, criminal conspiracy, criminal breach of trust as well as misappropriation of property, the police authorities purposely did not conduct any enquiry or investigation and acted in a partitioned manner. According to the petitioner, the facts which have been disclosed in the information so furnished with the police authorities, makes out a case for cognizable offence and as such it was incumbent upon the police authorities to take steps in accordance with law.

Learned advocate for the respondent no. 5 files affidavit-in-opposition in respect of the contentions advanced in the writ petition. However, having regard to the nature of the litigation, I am of the opinion that further stretching of the hearing of the writ petition is unwarranted.

State has submitted a report. I have considered the report.

Needless to state that since no affidavit-in-reply has been used by the petitioner, the accusations made in the affidavit-in-opposition are deemed not to have been admitted either by the petitioner or by the State.

Having regard to the manner in which the proceedings have been dealt with as well as the grievance of the present petitioner and the fact that there is a landlord-tenant relationship, I am of the view that so far as the issues relating to theft, cheating, criminal conspiracy, criminal breach of trust as well as misappropriation of property which has been complained of by the petitioner are to be assessed.

The petitioner would be better advised to approach the learned Magistrate under section 175(3) of the BNSS as till date according to the police authorities, no case has been registered. If

such an application is preferred, learned Magistrate would assess and ascertain regarding the genuinity of the accusations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 11865 of 2025 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.)