

D/L 31  
12.02.2025  
Bpg.  
ct.no.35

**W.P.A.13214 of 2024**

**Sri Manick Chandra Paul & Anr.  
Versus  
The State of West Bengal & Ors.**

Mr. Debasish Chattopadhyay  
Mr. Tirthankar Basu.  
...for the petitioners.

Mr. Tarun Kumar Ghosh.  
...for the State-respondents.

Mr. Debasis Kar  
Mr. Husen Musfafi.  
...for the private respondent no.5.

Pursuant to the earlier direction, State has submitted a report which refers to a General Diary Entry which prevented the police authorities from taking steps. It has also been reported that the dispute and difference are between relations and, as such, proceedings have been drawn up under Section 107 Cr.P.C. as well as one of the parties have also approached the learned Executive Magistrate under Section 144 (2) of the Cr.P.C.

Learned advocate for the petitioners insists that so far as the complaint made to the police authorities, the same were with respect to breaking the padlock and removal of property inside the shop room.

Learned advocate for the respondent no.5 submits that the police authorities have acted in consonance with the laws and have arrived at their finding which reflects that it would be the civil court which would be the appropriate forum for deciding the nature of the disputes.

Be that as it may, since there are accusations of breaking the padlock and removal of the materials kept inside the shop room, petitioners would be at liberty to approach the jurisdictional court by invoking the provisions of Section 175(3) of BNSS or Section 223 of the BNSS. Learned Magistrate would first arrive at a conclusion as to whether any cognizable offence is made out thereafter assess whether a case for investigation has been made out and then pass necessary orders in accordance with law.

With the aforesaid observations, WPA 13214 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State 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.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

***(Tirthankar Ghosh, J.)***