

26.06.2025
Court No. 35
Item No. 78.
Rakib

W.P.A. 12542 of 2025

Shrivardhan Jhunjunwala.
VS
The State of West Bengal & Ors.

Mr. Biswarup Chatterjee.
...for the Petitioner.

Mr. Suman Sengupta, Sr. Govt. Adv,
Mr. Sambuddha Dutta.
...for the State.

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

It is alleged by the learned advocate appearing for
the petitioner that he along with the private respondents
are the owners in respect of the property which was
rented out to a third party and the petitioner has been
deprived of his dues. To that effect information was
furnished to the local police station but no steps have
been taken.

Mr. Dutta, learned advocate appearing for the
State submits that police authorities on receipt of the
information conducted an enquiry and did not find that
any criminal offence has been made out.

I have assessed the nature of accusations made in
the information so furnished with the police authorities
and I find that there is a dispute amongst the co-owners
and over the said issue there was disagreement for which

even if the petitioner's allegations are accepted to be true petitioner suffered only financial loss.

Since the factual foundation of the case is with regard to dispute of recovery of money or non-receipt of benefit, I am of the opinion that petitioner would preferably approach the Jurisdictional Civil Court for recovery of such dues. In case, the petitioner has materials in his possession to show that there are documentary evidences of criminal misappropriation or criminal breach of trust, petitioner would approach the jurisdictional Criminal Court under Section 223 of the BNSS. Learned Magistrate would consider the accusations and independently decide whether process should be issued without being influenced by any observations made by this Court. Police authorities are directed to continue their surveillance and ensure that no breach of the peace takes place.

With the aforesaid observations WPA 12542 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to learned advocate appearing for the petitioner.

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.)