

ML-87

01.09.2025
Court No.26
(AD)

MAT 865 of 2025
With
IA No.: CAN 1 of 2025

Deepak Kumar Sangai
Vs.
The State of West Bengal & Ors.

Mr. Mritunjoy Chatterjee, Advocate
Mr. Manas Das, Advocate
Mrs. Suchismita Chakraborty, Advocate
Mr. Arka Roy, Advocate

... for the appellant

Mr. Ashim Kr. Ganguly, Advocate
Mr. Sudip Sarkar, Advocate

... for the State

Ms. Sutapa Sanyal, Advocate
Ms. Utsa Podder, Advocate

... for the respondent nos.5-10

Mr. Arun Kumar Mishra, Advocate

... for the respondent no.7.

1. Appeal is directed against an order dated May 15, 2025 passed in WPA 11466 of 2023.
2. By the impugned order, learned Single Judge disposed of the writ petition complaining of police inaction granting particular to the appellant before us to avail of the statutory alternative remedy under Section 173(8) of the Criminal Procedure Code.
3. During the pendency of the appeal, the complaint to the police was registered as a First Information Report.

4. Learned Advocate appearing for the private respondents submits that, rights of the private respondents in relation to such First Information Report should be preserved.
5. As noted above, the appellant approached the High Court complaining of police inaction. In appeal in particular, attention of the appeal Court was drawn to the fact that, one of the complaints which disclosed commission of cognizable offence, according to the appellant, was not registered as a First Information Report. During the pendency of the appeal, police registered such complaint as a First Information Report.
6. Since police registered the complaint as a First Information Report, no further order need be passed with regard thereto.
7. However, the private respondents cannot be denuded of their rights with regard to such criminal complaint. Private respondents are at liberty to avail of such rights as they are entitled to in law, in respect of such complaint.
8. No fruitful purpose is sub-served by keeping the appeal pending.
9. **MAT 865 of 2025** and **IA No.: CAN 1 of 2025** are disposed of without any order as to costs.
10. We clarify that, we did not enter into the merits of the rival contentions of the parties. The same are kept open.

11. Since we did not invite any affidavits, allegations made in the application for stay are deemed to be denied.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)