

17.03.2025

Court No. 35

Item No.142

Rakib

W.P.A. 13540 of 2023

Rajnath Singh.

VS

State of West Bengal & Ors.

Mr. Kunal Ganguly,

Mr. Tirupati Mukherjee.

... for the Petitioner.

Mr. Amal Kumar Sen, Ld. AGP,

Mr. Jaladhi Das.

...for the State

Petitioner is aggrieved by the registration of Jamuria Police Station case no. 86/23 dated 17.02.2023 which was registered for investigation under the relevant provisions of the Indian Penal Code as well as the M.M.D.R. Act. Petitioner's grievance is that inspite of having valid papers police authorities were registering cases against them, thereby obstructing to carry on trade and business.

As none appears on behalf of the State, Mr. Amal Kumar Sen, learned Additional Government Pleader along with Mr. Jaladhi Das learned advocates who ordinarily appear on behalf of the State are directed to appear. Their appearance may be regularized by the concerned authorities.

Having considered the nature of the grievance canvassed in the writ petition, I am of the view that more than two years have passed since registration of FIR. The truth or falsity of the FIR is to be unearthed by the investigating agency. As such until and unless the Court

is apprised regarding the factual conclusion, so far as the investigating agency is concerned, I am of the opinion there is no scope for interference. Petitioner would be at liberty to approach this Court at the appropriate stage of the case.

With the aforesaid observations, WPA 13540 of 2023 is disposed of.

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.)