

Form No.J(1)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

W.P.A. No. 15515 OF 2025

Motideep Builders Private Limited & Ors.

versus

The State of West Bengal & Ors.

For the Petitioners : Mr. Jishnu Saha, Sr. Adv,
Mr. Phiroze Edulji, Sr. Adv,
Mr. Gopal Chandra Halder
Mr. Avik Ghatak
Mr. Soumya Nag
Mr. A. Rakshit
Mr. Rajdeep Sengupta

For the State : Mr. Sirsanya Bandopadhyay, Sr. Stand Counsel,
Mr. Akash Dutta

For Respondent nos. 6 & 7. : Mr. Sandipan Ganguly, Sr. Adv,
Mr. Rahul Karmakar
Mr. Saptarshi Datta
Ms. Srinjita Ghosh
Mr. Pourush Kanti Pal
Mr. Debdut Hore

Heard On : 29.07.2025.

Judgement On : 29.07.2025.

Tirthankar Ghosh, J. :

The writ petition has been preferred on three counts. Firstly, the Alipore Police Station lacks jurisdiction to continue with the investigation of Alipore Police Station case no. 67 dated 17.05.2025, as the property is situated within the jurisdiction of Anandapur Police Station. Secondly, the allegations made in the complaint do not spell out or divulge any documents which give rise to registration of FIR for cognizable offence, particularly with regard to charge of forgery. Thirdly, a civil suit is pending wherein the petitioner nos. 1 to 4 are enjoying an ad interim order of injunction in connection with T.S. No. 564/2025.

State has submitted a report. Report reflects that Alipore PS case no. 67 dated 17.05.2025 was registered for investigation at the said police station, as it was specifically alleged in the FIR that the property was registered by the accused persons falsely and fraudulently at the Office of the District Sub-Registrar-IV, Alipore, South 24 Parganas.

Mr. Ganguly, learned senior advocate appearing on behalf of respondent nos. 6 and 7 draws the attention of the Court to paragraph 3 of the letter of complaint which is the sum and substance of the accusations for which the case has been registered with the Alipore Police Station, the same reads as follows:

“3. Mohan Chandra Mondal along with Deepakk Sethia, Varun Kathotia and all concerns of Motideep Builders Private Limited, a

company owned, managed and controlled by the said Deepakk Sethia, Varun Kathotia and others (hereinafter referred to as “the accused persons”) in collusion with one another and with a common intention prepared some forged documents and placed the same as genuine before the office of District Sub-Registrar-IV, Alipore, South 24 Parganas under Alipore PS jurisdiction and thereby falsely and fraudulently executed several registered deeds in favour of them in respect of the said property.”

I have considered the submissions of the learned advocates appearing for the petitioners, State as well as the private respondents and on an assessment of the same, I find that the complaint which was addressed to the Officer-in-Charge, Alipore Police Station makes out a cognizable offence as the complainant has taken the onus of naming specific persons namely, Deepak Sethia, Varun Kathotia (and others) who in collusion with one another and with the common intention prepared some forged documents, placed the same as genuine before the Officer of the District Sub-Registrar-IV, Alipore, South 24 Parganas.

The informant as such by way of an averment has taken up a specific contention which makes out a cognizable offence.

On the contrary, learned advocate appearing for the petitioners submit that since 1957 the petitioner no.5 has inherited the property receiving the same by way of a probate.

The same is disputed by the learned advocate appearing for the private respondents.

As the purpose of investigation is to unearth the truth, as such whether the documents were forged or the petitioner no.5 was enjoying ownership by way of inheritance is to be decided as on the one hand the informant claims to have materials to suggest that there has been forgery of certain valuable securities, while on the other hand petitioner no.5 claims to be a bona fide owner of the property by way of inheritance.

Having considered the same and that an investigating agency is vested with power to unearth the truth, in respect of the subject matter for which the police case has been registered. As such interference at this stage for the purposes of terminating the proceedings when the documents are lying at the Office of District Sub-Registrar-IV, Alipore, South 24 Parganas do not seem to be justified. Consequently, no interference is called for.

Accordingly, WPA 15515 of 2025 is dismissed.

Report submitted by the State be kept with the record.

Needless to state that the observations made by this Court is for the limited purposes for adjudicating the present writ petition and the same should not weigh in case any other application is preferred by the petitioners and/or the merits of the case is adjudicated by other authorities.

Needless to state that since no affidavit has been used by the respondents the accusations made in the writ petition are deemed not to have been admitted.

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 the judgement, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)