

D/L 33  
06.08.2025  
ct.no.35  
Kausik

**W.P.A. 17559 of 2025**

**Gouranga Shil & Ors.  
Versus  
State of West Bengal & Ors.**

Mr. Samim Ahammed  
Mr. Arka Ranjan Bhattacharya  
Ms. Saloni Bhattacharya

...for the Petitioner.

Mr. Amitabrata Roy, Ld. GP  
Mr. Debopriya Chatterjee  
Mr. Shibasish Banerjee

...for the State.

Petitioner is aggrieved by the continuation of the investigation which has been initiated by way of Banshihari Police Station Case No. 440 dated 24.07.2025. Petitioner complains that at the time of deputation the police authorities tried to create obstructions and obstacle to the members of a particular political party. Consequent to which the present case has been initiated, allegations are of mala fide.

I have taken into account the letter of complaint which was the foundation for registration of the FIR and the same was at the instance of Officer-in-Charge, Traffic, Harirampur namely one Joyatpal Biswas.

Having considered that the allegations in the complaint is for pelting stones, brick blocks aiming at police authorities and blockade at the State Highway, I am of the view the issue of mala fide in this case is a question of fact which must be investigated first.

Since petitioner is aggrieved by the act and action of the police authorities for registration of the FIR on the grounds of mala fide and I find that the ground of mala fide in this case is a question of fact, the truth and falsity of the same are to be first assessed by way of investigation. At this stage it would be premature for this Court to interfere. Petitioner would be at liberty to canvas the issues at a stage after the charge sheet or the report in final form is placed before the jurisdictional Court.

With the aforesaid observations WPA 17559 of 2025 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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