

12.08.2025
Item No.19
Ct. No.35
dc.

W.P.A. 17748 of 2025

**Sk. Azizul Haque & Ors.
versus
The State of West Bengal & Ors.**

Mr. Swarup Banerjee,
Mr. Arindom Chatterjee,
Mr. Subham Biswas ... For the Petitioners.

Mr. K. J. Yusuf, AGP,
Ms. Anjusri Mukherjee ... For the State.

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury
 ... For the Respondent Nos.5 & 10.

Leave is granted to the learned advocate appearing for the petitioners to make necessary amendments in the cause title.

Affidavit-of-service and supplementary affidavit filed on behalf of the petitioners be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioners and the private respondents.

Petitioners approached this Court being aggrieved by the inaction of the police authorities. To that effect, it is submitted on behalf of the petitioners that although criminal cases have been registered, but there is insecurity to the life of the petitioners as the private respondents have been aggressive thereby committing injuries upon the petitioners.

Learned advocate appearing for the private respondent nos. 5 and 10 submits that civil suit being T.S. No. 197 of 2024 has been filed at the behest of the petitioners before the learned Civil Judge (Junior Division), 2nd Court, Barrackpore. It has been stated that an ad interim injunction order has been passed. Learned advocate further submits that another suit being T.S. No. 508 of 2025 has been filed at the behest of the private respondent nos. 5 to 9 herein before the same court.

State has submitted a report which reflects that there are three cases being Rahara P.S. Case No.381 of 2024 dated 07.12.2024 (wherein charge-sheet has been submitted), Rahara P.S. Case No.123 of 2025 dated 15.05.2025 (wherein investigation is still under process) and Rahara P.S. Case No.397 of 2024 dated 25.12.2024 (wherein charge-sheet has already been submitted).

Having regard to the fact that there is civil dispute existing which is the genesis of the criminal cases, I am of the view that the police authorities would oversee that further incidents of the nature complained of, do not occur in view of the last case having been registered under Section 118(2) of BNS. If the petitioners are facing anxiety and insecurity because of any act and action of the private respondents, the same should be brought to the notice of jurisdictional court which is in seisin

of the issue. The jurisdictional court would assess the threat perception and thereafter pass necessary directions under the Witness Protection Scheme, 2018.

With the aforesaid observations, the writ petition being WPA 17748 of 2025 is disposed of.

There will be no order as to costs.

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.)