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jdt. 17.12.2025
jb.

WPA 20700 of 2025
(Ashok Das & Ors. vs. State of West Bengal & Ors.)

Mr. Mayukh Mukherjee
Mr. Abhijit Singh
.... For the Petitioners
Mr. Biplab Guha
Ms. Sukanya Dutta
.... For the State

Report submitted by the State is taken on record.

Copy of the case diary is also produced.

A very shocking incident has come to the notice of the Court. In an incident which occurred in the intervening night of 25th December, 2023 and 26th December, 2023 between the petitioners on one hand and one of the accused who is a civic volunteer on the other hand, the complaints were lodged by both the parties alleging assault. The complaint lodged by the accused was immediately registered as FIR, investigation initiated and very promptly charge-sheet submitted. However, the complaint lodged by the petitioners has not been considered till date. The petitioners seek registration of their complaint and quashing of the charge-sheet in the complaint lodged against them.

With regard to quashing of charge sheet and proceeding in the complaint lodged against them, the petitioners are at liberty to approach the appropriate forum.

Learned counsel for the petitioners points out that the incident occurred within the jurisdiction of Bijpur police station and since the other complaint was lodged before the Halisahar police station, the police authority has usurped the jurisdiction of Bijpur police station only for the purpose

of saving the civic volunteer who mercilessly assaulted the petitioners. They were illegally detained in the police lock up for two days before being produced before the Court.

Since the complaint lodged by the petitioners has not been registered as FIR, the petitioners are at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS seeking registration of FIR. In dealing with the said application, the learned Magistrate shall consider whether the place of occurrence is under Bijpur police station.

With the aforesaid observations and directions, the writ petition is disposed of.

Case diary be returned.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)