

WPA 23242 of 2025

**Alimuddin Mondal
Vs.
The State of W. B. & Ors.**

Mr. Robiul Islam
Mr. M. Rahaman ...for the petitioner.

Mr. Soumitra Bandopadhyay
Mr. Subhasis Bandopadhyay ...for the State.

Ms. Soni Ojha
Ms. S. B. Chatterjee ...for the private respondent.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner purchased a JCB machine from the private respondent and has paid Rs.18 lakhs out of the total outstanding amount of Rs.27 lakhs. The petitioner was unable to repay the remaining amount for which the vehicle was taken over by the private respondent.

Despite the petitioner intending to repay the remaining amount, the vehicle was sold out by the said respondent.

Disputing the contention of the petitioner, learned counsel for the private respondent submits that the vehicle was seized and sold out in terms of the agreement entered into by and between the parties in view of the fact that the petitioner failed to repay the entire loan amount.

Learned counsel for the State submits that the FIR was registered on the basis of the complaint lodged by the petitioner and upon completion of investigation final report as mistake of fact was submitted.

The petitioner has sought a direction upon the police authority to take immediate steps for proper investigation of the complaint lodged by him.

In the changed circumstances, the petitioner seeks liberty to approach the appropriate forum for redressal of his grievance. Such liberty is granted.

The writ petition is accordingly disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)