

17.12.2025
rc/ct.no.05
Item No.18

WPA No. 24674 of 2025
Asraful Haque
Versus
The State of West Bengal & Ors.

Mr. SM Samim Ullah
Mr. Debansu Nandi
Mr. Gautam Basu
Mr. Sourodeep Singha
Mr. Sakir Hossain
Md. Samsad Sk. ..for the Petitioner

Mr. Ansar Mondal
Mr. Asish Duttafor the State

Mr. S. Sarkar
Mr. Sabir Sk.
Mr. Tahasin Reja ...for the Private Respondent

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner purchased property from the private respondents upon payment of the entire consideration amount of Rs.8.00 lakhs which was duly acknowledged by the private respondents. Despite receipt of the entire amount, the private respondents are demanding payment of the amount again and are threatening him with dire consequences. The petitioner lodged complaint before the police authority which was not acted upon. On the contrary, the police authority visited the house of the petitioner in his absence and used abusive language towards his wife, threatened

her with dire consequences and threatened to arrest the entire family by lodging false cases against them. The petitioner seeks protection since he is not able to return to his house due to threat to his life and property.

Denying the said allegation learned counsel for the private respondents submits that though the land was sold out to the petitioner, no consideration amount was paid to them.

It appears from the report submitted by the State that a complaint has been lodged by the private respondents against the petitioner on September 23, 2025 alleging non-payment of the consideration amount. Pursuant to such complaint, prosecution under Section 126 of the BNSS has been submitted.

It appears from the record that the private respondents have acknowledged receipt of Rs.8.00 lakhs from the petitioner as consideration for sale of the property in question. The signatures in the money receipt (page 39 of the writ petition) are admitted by the private respondents. Therefore in the event any complaint is lodged against the petitioner for non-payment of such amount, the police authority should hold a preliminary enquiry before registering FIR against him. Since the complaint lodged by the petitioner has not been acted upon, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS. In the meantime, the police authority shall maintain strict vigil in the area so that the

petitioner is able to return to his house with his family and reside therein peacefully. The police authority shall render necessary assistance to the petitioner as and when required.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been 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)