

19.02.2025
Item No.05
RP/SM
Ct. No.01

FMA 1325 of 2024
With
IA No.CAN 1 of 2024
CAN 2 of 2024

Balai Mondal
VS.
State of West Bengal & Ors.

Mr. Tapas Kumar Dey
Ms. Susmita Mondal
.....For Appellant
Mr. Vimal Kumar Shahi, Ld. AGP
Mr. Md. Masood
.....For State

1. This intra-Court appeal is directed against the order dated 18.10.2024 passed in WPA 2078 of 2024. The said writ petition was filed seeking for a direction upon the State/respondent, particularly, the respondent no.5, to initiate action against the private respondent nos.6 to 9 against whom a complaint was lodged before the police.
2. The learned writ Court upon considering the facts and circumstances of the case found that the dispute is purely civil in nature. Apart from that, the learned writ Court has recorded the stand taken by the learned advocate appearing for the State that the police is cooperating with the petitioner. Learned advocate appearing for the appellant would strenuously contend that this is absolutely a false statement.

3. Be that as it may, if according to the petitioner nothing fruitful has turned down pursuant to his complaint, the appellant is not remediless as the Criminal Procedure Code provide for sufficient remedy. Further, the learned advocate appearing for the respondent/State submits that if the appellant is aggrieved he should approach the jurisdictional police. Therefore, we are of the view that there is no ground made out in the appeal to interfere with the impugned order and consequently the appeal and the connected applications stand dismissed.
4. It is made clear that dismissal of the appeal will not be a bar for the appellant to pursue his legal remedy available to him under the new criminal laws.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)