

D/L 157
17.04.2025
Kausik
ct.no.35

W.P.A. 28662 of 2024

**Falguni Bhowmik & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sk. Md. Wasim Akram

...for the petitioners.

Mr. Suman Sengupta, Sr. Govt. Adv.
Mrs. Amrita Panja Moulick

...for the state.

Petitioner is aggrieved by the fact that the information furnished to the police authorities on or about 18.10.2024 has not been acted upon. Petitioner's main grievance is that he has been deprived of his share of the property which was sold as also the factum of being assaulted.

State has submitted a report. Report reflects that a notarized agreement was made between the petitioners and the respondent no. 4 wherein it was stated that the respondent no. 4 would take care of the parents and pay Rs. 2,00,000/- from the proceeds if the property is sold. It was further stated that the respondent would look after the handicapped brother and provide him with basic maintenance throughout his life.

On enquiry it has been found by the police authorities that the respondent no. 4 till date could

not sale the property which is the subject matter of dispute. Consequent to the complaint so received proceedings under section 126/135(3) of the BNSS was drawn up against the respondent no. 4 for maintaining good behavior.

I have considered the report submitted by the police authorities as also the accusations made by the petitioner in the information submitted to the Officer-in-charge of Taherpur Police Station.

Since the factual foundation are different, petitioner would in the circumstances approach the jurisdictional criminal court if he has materials in his possession to show that the property has been sold away to any other person and the petitioner did not receive his dues of share.

Learned Magistrate in such circumstances would also attach importance to the attending situations of physical assault and exercise his discretion in accordance with the provisions of law. Police authorities have already kept a strict vigil. They would continue their surveillance so that no untoward incident results because of the strained relationship presently existing between the parties.

With the aforesaid observations WPA 28662 of 2024 is disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)