

12.03.2025
Item No.149
Ct. No.35
dc.

W.P.A. 28988 of 2024
+
CAN 1 of 2024

Toha Mallick
versus
The State of West Bengal & Ors.

Mr. R. I. Sardar ... For the Petitioner.

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty ... For the State.

Mr. Biswaroop Bhattacharya,
Mr. Anindya Bose,
Mr. Golam Mohiuddin ... For the Respondent Nos. 4 to 23.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the respondent nos. 4 to 23.

The petitioner is aggrieved by the fact that in spite of information being furnished on or about 26.11.2024 to the Officer-in-Charge, Jagacha Police Station, no steps have been taken. It has been categorically stated by the petitioner that the incident complained of is subsequent to the police case which has been registered on 31.10.2024.

As the incident reflects that the private respondents threatened the women folk of the family and also there is an allegation of a particular vehicle being taken away by the private respondents, I direct the police authorities to

consider the representation dated 26.11.2024 in accordance with law and inform the outcome of the same to the petitioner.

In case the police authorities are of the opinion that no case is made out, the petitioner would be at liberty to approach the jurisdictional Magistrate under Section 175(3) of BNSS. The learned Magistrate would assess regarding the nature of the offence, ascertain whether a case for investigation is made out and then pass orders in accordance with law.

Needless to state that as no affidavits have been called for, the allegations made against the private respondents and/or the State-respondents are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 28988 of 2024 along with CAN 1 of 2024 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)