

D/L 39
10.04.2025
Kausik
ct.no.35

W.P.A. 29980 of 2024

**Illias Chowdhury
Versus
State of West Bengal & Ors.**

Mr. S. Saha
Mr. Sirajul Haque Mondal
Mr. Soumen Barman

...for the petitioner.

Mr. Mrityunjoy Goswami
Mr. Khetra Prosad Mukherjee

...for the state.

Petitioner submits that earlier informations were furnished before the Burdwan Police Station. Consequent to which Burdwan PS Case No. 465/2023 dated 16.04.2023 was registered for investigation. Subsequently, again the son of the petitioner was taking photographs of the female members which was objected by the present petitioner and for which she was abused and threatened.

Learned advocate for the State submits that there is a long standing dispute with regard to the demarcation and construction of boundary wall at the property.

Police authorities have already drawn up proceedings under section 126 of the BNSS and peace is being maintained by the police authorities.

Having regard to the nature of the accusations, I am of the view that the police authorities presumably have not enquired into the same. Accordingly, if the petitioner is aggrieved by the inaction of the police authorities, he would be at liberty to approach the jurisdictional Magistrate under section 175(3) of the BNSS.

Learned Magistrate would assess and ascertain whether investigation is called for and thereafter pass necessary directions. In the meantime, police authorities would ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the inimical relationship existing between the parties.

With the aforesaid observations WPA 29980 of 2024 is disposed of.

Report so submitted be kept with the record.

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.)