

OD-7

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/246/2025

MAHIDUL ISLAM MALLICK
-VS-
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE TIRTHANKAR GHOSH

Date: April 10, 2025.

Appearance:

Mr. Krishna Das Poddar, Adv.
Mr. Surajit Maity, Adv.
Ms. Rubina Akhtar, Adv.
Ms. Mandira Barman, Adv.
...for the petitioner

Mr. Anand Farmania, Adv.
Ms. Indumouli Banerjee, Adv.
... for the State.

Mr. S. Afrin, Adv.
Mr. Rafat Jahan, Adv.
Ms. Zeenat Parveen, Adv.
...for the private respondent

The Court : Petitioner is aggrieved by the fact that his communications to the Officer in Charge, Taltala Police Station were not acted upon. Record reflects that such information was furnished with the police station on 29th August, 2023.

Petitioner submits that in spite of different cases being registered at the behest of the police authorities but till date so far as the accusation made in the information furnished on 29th August, 2023, no case has been registered.

Learned Advocate for the State has submitted that the genesis of the facts relating to the dispute arose from differences amongst the family

members for which a series of criminal cases have been registered either against the petitioner or against the private respondents.

Since Taltala Police Station is well aware regarding the nature of the dispute and difference between the petitioner and the private respondents, at this belated stage after one year and seven months, I do not feel it necessary to interfere with the nature of the dispute complained of. However, petitioner would be at liberty to canvass the issue before the learned jurisdictional Magistrate by way of invoking the provision of Section 175(3) BNSS or Section 156 (3) Cr.P.C. In case such an application is filed, learned Magistrate would assess whether any cognizable offence is made out, ascertain whether a case for investigation has been made out and also call for a report relating to the nature of the previous cases pending between the parties and thereafter, exercise his discretion in accordance with the provisions of law.

Learned Advocate for the private respondents submits that since no affidavits have been called for, the accusation and/or allegation made in the writ petition are deemed not to have been admitted.

In view of the observation made above, no further directions are warranted.

Accordingly, WPO/246/2025 is disposed of.

The report submitted on behalf of the State be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(TIRTHANKAR GHOSH, J.)