

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/397/2025
PRATIK SHARMA
VS
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE TIRTHANKAR GHOSH

Date : 11th July, 2025.

Appearance:

Mr. Sujit Banerjee, Adv.

Mr. N. Sengupta, Adv.

...for petitioner.

Mr. Swapan Banerjee, Adv.

Mr. Diptendu Narayan Banerjee, Adv.

...for State.

The Court: Learned Advocate appearing for the petitioner has prayed for quashing of Girish Park Police Station Case No. 64 of 2025.

Learned Advocate firstly contended that there was no complaint and the Police Authorities suo motu proceeded with the case in respect of civil dispute between the two brothers. It has also been contended that Civil Court has passed necessary orders and is in seisin of the issue. Thirdly it has been stated that police authority has inflicted torture upon the petitioner after he was taken into custody.

Prima facie, I find that the police authorities have taken steps on the basis of complaint initiated by Jitendra Sharma, the brother of the present

petitioner. In fact, the enclosure to the writ petition at page 76 which is formally an FIR reflects the “complainant” – Jitendra Sharma.

So far as the accusations against the individual police officer are concerned, I am of the view that the police authorities have also power to interfere in respect of the action which are preventive in nature. It is not necessary that only if a civil case is pending, one can get a shield for non registration of FIR. In fact, there are many a cases where the civil dispute or disputes amongst the relations which gave rise to cognizable offence resulting in registration of police cases.

Having considered the totality of the circumstances including the materials collected by the investigation agency, I am of the view that no interference can be made by this Court in respect of the continuity of the investigation relating to Girish Park Police Station Case No. 64 of 2025.

The investigation has commenced on 18.5.2025. Police authorities would put the efforts and take the investigation of the case to its logical conclusion.

Accordingly, WPO 397 of 2025 is disposed of.

Report submitted be kept with the record. Needless to mention, since the affidavits are not called for, the accusations in the writ petition are deemed not to have been admitted by the respondent.

(TIRTHANKAR GHOSH, J.)