

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
AN APPEAL FROM JUDGMENT AND ORDER PASSED IN ITS
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

**APO/50/ 2025
IA No.GA/1/2025**

**PRATIK SHARMA
Versus
STATE OF WEST BENGAL AND ORS.**

Present :

The Hon'ble Justice Debangsu Basak

-And-

The Hon'ble Justice Md. Shabbar Rashidi

For the Appellant : *Mr. Anirban Dutta, Adv.*
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.

For the Respondent : *Mr. Swapan Banerjee, Adv.*
Mr. Diptendu Narayan Banerjee, Adv.

HEARD ON : 26.08.2025
DELIVERED ON : 26.08.2025

DEBANGSU BASAK, J.:-

- 1.** The appeal is directed against an order dated July 11, 2025 passed in WPO/397/2025.
- 2.** By the impugned order, learned Single Judge, disposed of the writ petition, noting that taking the investigation with regard to a police complaint commenced on May 18, 2025. Learned Single Judge

expressed the view that police authority should put in efforts and take the investigation of the case to its logical conclusion.

- 3.** Supplementary affidavit filed in Court be taken on record.
- 4.** Appellant is the writ petitioner before us.
- 5.** Learned Advocate appearing for the appellant submits that, police facilitated the private respondent to take possession of an immovable property which is yet to be partitioned by metes and bounds. He refers to various documents annexed to the writ petition and submits that, the Court should call for the case diary and to find out to the police over-action and take appropriate steps. He submits that, the private respondent and the police ensured that the appellant was dispossessed from an immovable property belonging to the appellant.
- 6.** The State is represented.
- 7.** In response to the query of the Court, learned Advocate appearing for the appellant draws the attention of the Court to the prayers made in the writ petition. He submits that, although, there is a prayer for quashing of the First Information Report, nonetheless, the Court should atleast call for the case diary and look into the matter so as to find out whether there was any police in-action or not.
- 8.** Supplementary affidavit discloses that the police acting on the basis of the written complaint received from the private respondent

registered a First Information Report and that, the police submitted a charge sheet before the jurisdiction of Court with regard thereto.

- 9.** Materials in the stay petition disclose that, there was an incident of assault on that particular date. In fact, appellant and persons accompanying him also suffered injuries as well appear from the medical documents annexed to the stay application.
- 10.** Therefore, there was an incident of assault at that place and time, in respect of which police registered a First Information Report on the basis of a complaint made by the private respondent.
- 11.** In reply to a query of the Court as to whether, appellant lodged any complaint with the police with regard to the incident of assault or not, the answer is in the affirmative.
- 12.** As noted above, it is established that there was an incident of assault at the premises at the material point of time.
- 13.** Police registered the complaint of the private respondent investigated thereon and submitted a charge sheet. It is for the jurisdictional Court to frame charges, if the materials discloses necessity of the appellant to stand trial. A writ Court need not interfere in such scenario since prima facie we are not satisfied that an incident of assault did take place.
- 14.** Pendency of a civil dispute does not ipso facto grant immunity to any of the parties to the civil suit to indulge in an incident of assault.

15. Any incident of assault even if there are civil disputes pending between the private parties is required to be investigated into and appropriate steps taken thereon.
16. Initially, appellant approached the writ Court with the prayer for quashing of First Information Report. Materials placed on record does not suggest requirement to do so.
17. So far as, police over-action is concerned, we are not convinced on the basis of the materials placed before us that the police acted in a manner which can be termed to be over-action. In fact, materials placed before us suggests that the police personnel also suffered injuries. The uniforms were torn. Torn uniforms were also seized.
18. In such circumstances, we find no merit in the present appeal.
19. Accordingly, APO/50/2025 along with all connected applications are dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

I agree.

(MD. SHABBAR RASHIDI, J.)