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rkd 11.03.2026
Ct.05

W.P.A. 4901 of 2026

Rup Kumar Ghosh & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Mujibar Ali Naskar,
Mr. Sandip Kumar Mondal,
Ms. Ritina Yadav

....for the petitioners.

Ms. Kum Kum Das

....for the State.

Ms. Rinku Sen,
Mr. Sagnik Bhattacharya,
Ms. Ruksar Parveen

....for the respondent nos.5 & 6.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioner nos. 1 is the Secretary and petitioner no.2 is the President of Kolkata Jatra Sammilan who have approached this Court with the present writ petition, *inter alia*, alleging that there is one rival organization called Paschim Banga Jatra Sammilan and on behalf of the said Paschim Banga Jatra Sammilan defamatory and objectionable posts are made on WhatsApp and social media platforms thereby prompting the petitioners to lodge complaint before the concerned police authority of Jorabagan Police Station, Kolkata and Burtolla Police Station, Kolkata.
3. One of such complaints dated 20th February, 2026 is at pages 20 & 21 of the writ petition. It is also

submitted that respondent Jatra Sammilan is not a registered organization and on behalf of such respondent Jatra Sammilan certain statements are made on social media and WhatsApp platforms in order to malign the image of the petitioners' Jatra Sammilan.

4. Respondent nos.5 & 6 as well as State respondents are represented by learned advocates.
5. On behalf of the respondent nos.5 & 6 allegation made by the petitioners is disputed. It is also submitted that steps are being taken for registering name of the Jatra Sammilan with the concerned authority.
6. On behalf of the State respondents a communication dated 10th March, 2026 of Officer-in-Charge, Jorabagan PS, Kolkata and another communication dated 7th March, 2026 of Officer-in-Charge, Burtolla PS, Kolkata are placed before this Court and those are taken on record.
7. In the communication dated 10th March, 2026 of Officer-in-Charge, Jorabagan PS it is stated in the complaint dated 20th February, 2026 which was received by the police authority on 23rd February, 2026 there was no allegation of assault at the instance of the private respondents. Offence complained of according to the concerned police

authority is found to be non-cognizable.

8. Taking note of the provision under Section 174 of BNSS 2023 concerned police authority is directed to record the complaint of the petitioners as contemplated under Section 174 and shall forward the same to the jurisdictional Magistrate for taking necessary steps by fortnight from the date of communication of this order.
9. Such direction is given taking note of the contents of the communication dated 10th March, 2026 of Officer-in-Charge, Jorabagan PS that the offence complained of is non-cognizable in nature.
10. With the aforesaid direction, the writ petition stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)