05th Oct., 2026

Item no.ML 33
Court No. 758

Rohit, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 28937 of 2024**

In the matter of :

Dhruba Chand Mondal.

....Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner :

Mr. Sudarshan Ghosh

....Advocate

For the State :

Mrs. Sudipa Banerjee

Ms. Manisha Paswan

...Advocates

1. The grievance of the petitioner is that owing to a land dispute between the petitioner and the private respondents an altercation took place between the parties which led to registration of Kultali P.S. Case No. 816 dated 02.11.2024 under Sections 329(2)/324(4)/303(2)/351(2)/3(5) BNS, after an application under Section 156(3) Cr.P.C was moved.

2. The petitioner's grievance is that after obtaining bail from the aforesaid case the private respondents have been threatening to dispossess the petitioner from his shop. They have also threatened that if the petitioner does not close down his shop the petitioner would be murdered.

3. Based on such threat being meted out to the petitioner, the petitioner lodged a written complaint dated 16.11.2023 and 28.11.2024 to the

concerned police station as well as the Superintendent of Police, Baruipur, District – South 24- Parganas but no steps have been taken in that regard.

4. A report was called for from the State. From the report it appears that pursuant to the petitioner's earlier complaint being Kultali P.S. Case No. 816 of 2024 dated 02.11.2024 under Sections 329(2)/324(4)/303(2)/351(2)/3(5) BNS was registered for investigation. Upon conclusion of the investigation of the said case, charge-sheet against all the FIR accused persons was filed by the Investigating Officer.

5. It further appears from the police report that subsequently on 30.11.2024 a written complaint was lodged with the local police station alleging that, after getting the anticipatory bail in the aforesaid case, the accused persons again threatened to dispossess the petitioner from the said shop.

6. It is reported that after completion of inquiry, the Inquiry Officer submitted a prosecution under Section 126/135(3) BNSS against the private respondents.

7. The instant writ petition is disposed of by giving liberty to the writ petitioner to approach the Court of Judicial Magistrate in the event the petitioner is

aggrieved by non-registration of an FIR despite submission of a complaint disclosing cognizable offence. If such application is moved the same shall be disposed of in accordance with law.

8. Accordingly, **W.P.A 28937 of 2024** is disposed of on the above observations without any order as to costs.

9. Urgent photostat website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Anuj Singh, J.)