

27th November,
2020
AK

W.P.A. 7748 of 2020

(Via Video Conference)

Goutam Roy

-Vs-

The state of West Bengal & Ors.

Mr. Dhananjay Banerjee
... For the petitioner.

Mr. Subhabrata Dutta
Mr. Avisek Guha
... For the State.

This writ petition has been filed for police inaction and primarily against respondent no.7 being the SI of police, Barasat Police Station.

Learned counsel appearing for the petitioner submits that the petitioner entered into commercial transaction with the respondent nos. 9 and 10 (the private respondents) and certain disputes arose between the petitioner and the private respondents in return to investments made for the business and return of the money invested.

The petitioner lodged an FIR on 26th December, 2018 and filed a criminal case before the Chief Judicial Magistrate at Barasat. Counsel submits that the respondent no.7 is acting in collusion with the private respondents and is threatening the petitioner with dire consequences if the criminal case is not withdrawn.

Learned counsel appearing for the State submits that the writ petition concerns a private dispute between the petitioner and the private respondents and that the allegation made against the respondent no.7 has already been enquired into and steps taken with regard thereto.

Learned counsel appearing for the private respondents places certain parts of the complaint of the petitioner before the Barasat Court which shows that the

dispute relates to investment of money in the business and return of the said money.

On hearing counsel appearing for the parties and on considering the nature of the complaint made before the Barasat Court, this court is of the view that the prayer of the writ petitioner of directing the police to search and seize all documents relating to the FIR and submit a charge sheet is not commensurate to the case made out in the writ petition. The allegations against the SI of the Barasat Police Station is uncorroborated. The nature of the plaint before the Barasat Court also makes it clear that the grievance of the petitioner relates to dispute with the private respondents concerning investments in a business.

In view of the above, W.P.A 7748 of 2020 is dismissed.

The respondent no.4 being the Superintendent of police, Barasat Police District, is however directed to ascertain the truth of the allegations made in the writ petition and ensure that the petitioner is not threatened by the concerned respondents in any manner whatsoever.

(Moushumi Bhattacharya, J.)