

(2020) 01 CAL CK 0260

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 23483 (W) Of 2019

Piyush Goenka

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 154(3)

Citation : (2020) 01 CAL CK 0260

Hon'ble Judges : Sabyasachi Bhattacharyya, J

Bench : Single Bench

Advocate : Debabrata Saha Roy, Angshuman Chakraborty, S. Banerjee, A. Agarwalla, Anirudhya Dutta, Kishore Dutta, S. Sen, Amrita Lal Chatterjee

Judgement

Sabyasachi Bhattacharyya, J

Learned counsel for the petitioner submits that, only subsequent to the filing of the writ petition, investigation has started in respect of the complaints,

which are the subject matters of the present writ petition.

It is further submitted that the police have been asking on several occasions for different documents from the petitioner, which the petitioner is

prepared to produce before the police.

Learned Advocate General as well as learned counsel appearing for the private respondents, in unison, challenge the maintainability of the writ petition

on several aspects.

First, as per the provisions of Section 154(3) of the Code of Criminal Procedure, there is an equally efficacious alternative relief.

Second, a suit is pending between the parties and as such the matter is sub judice before a civil court and the writ court ought not to entertain the

present grievances.

It is further submitted by learned Advocate General, by producing a chart of cases filed by the petitioner, the private respondents and their associates,

which makes it evident that this is a battle of ego between the parties and several cases and counter cases have been filed by the private parties

against each other to meet their personal vendetta, thereby virtually holding the police force to ransom.

Be that as it may, since investigation has started, as admitted by the petitioner in respect of the offences on which complaints were lodged by the

petitioner, the parties ought to be given an opportunity to bring the relevant facts before this court for a proper and complete adjudication of the

present writ petition.

However, it is made clear that the question of maintainability of the writ petition is kept open for being taken by the respondents at the time of filing of

the writ petition.

Meanwhile, the respondents are directed to file their affidavit(s)-in-opposition within a fortnight from date. Reply/replies, if any, thereto shall be filed

by the petitioner within a week thereafter.

Let the matter appear for hearing on February 4, 2020.