

**OFFICE OF THE HON'BLE LOKAYUKTA
WEST BENGAL**

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Case Reference No. LWB/19/2019

ORDER SHEET

Order Date	Order No.	Order
17.08.2026	08	Smt. Sima Mondal, W/o Paresh Mondal, Vill. & P.O. – Kalupur, P.S - Bongaon, Dist. – North 24-Parganas, PIN – 743 235. ... Complainant -Vs - 1. Smt. Hema Sarkar, W/o Shymal Sarkar, Pradhan, Kalupur Gram Panchayat, Kalupur, Bongaon, North 24-Parganas. 2. Sanyasi Sarkar, Member, Kalupur Gram Panchayat, Kalupur, Bongaon, North 24-Parganas. 3. Officer-in-Charge, Bongaon Police Station, North 24-Parganas. 4. Gadadhar Singh, Police Official, Bongaon Police Station, North 24-Parganas. ... Respondents The Report received from the District Magistrate, North 24-Parganas be kept on record. The Report already received from the Superintendent of Police, Bongaon Police District has already been kept on record.

		On the complaint received from a citizen namely Smt. Sima Mondal, this case has been registered. As required u/s 9(2) of the West Bengal Lokayukta Act, 2003, the complaint is accompanied by an affidavit. The complaint, in her complaint, alleges that her “Deor” (Brother-in-Law) Naresh Mondal forcefully took possession of a landed property purchased by her husband. While her husband voiced protest, Naresh Mondal and his associates initially assaulted her husband and herself and in that regard, they lodged a complaint with Bongaon Police Station which was diarized vide G.D. Entry No. 2154 dated 22.02.2013. After a few months when they claimed the aforesaid landed property, Naresh Mondal assaulted her husband with a “Dao” (Sharp cutting weapon) and he was seriously injured. He also assaulted her with a crowbar. Sustaining bleeding injuries, they were admitted to hospital. The complainant complains that she went to Bongaon Police Station, but one Gadadhar Singh, an official of the Police Station told her that if she paid money to him, he would take step otherwise not. On the other hand, Shyamal Sarkar, the husband of Pradhan Hema Sarkar along with a member of the Panchayat took money from the family of her daughter-in-law as well as from them giving assurance that they would make arrangement for their return to their said landed property. They met the demand made by the husband of the Pradhan and a member namely Sanyasi Sarkar. But, despite taking money from them, they failed to give any assistance to her and her family members. She alleges that being a shelter-less, she along with her family members is now residing temporarily in a thatched room beside railway track. While she again met the Officer-in-Charge of
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		Bongaon Police Station, police threatened her to implicate in false cases. On perusal of the complaint supported by affidavit and photocopies of documents annexed to the complaint, this Forum felt that before conducting a preliminary enquiry, a report should be called for from the District Magistrate, North 24-Parganas and the Superintendent of Police, Bongaon Police District. By order dated 22.06.2026, this Forum, in exercise of power u/s 11(1) of the West Bengal Lokayukta Act, directed the District Magistrate, North 24-Parganas to make an enquiry by an officer not below the rank of Additional District Magistrate in respect of the allegations as made in the complaint against some of the respondents and submit the Report within a specified time. By the same order, the Superintendent of Police, Bongaon Police District, North 24-Parganas was directed to make an enquiry by an officer not below the rank of Deputy Superintendent of Police in respect of the allegations made in the complaint against the Officer-in-Charge, Bongaon Police Station and the some police officials and submit a Report within a specified time. In compliance thereof, the District Magistrate, North 24-Parganas and the Superintendent of Police, Bongaon Police District have submitted their Reports. As it appears, the Report of the District Magistrate is based on the Enquiry Report submitted by the Additional District Magistrate (Panchayat), North 24-Parganas and the Report of the Superintendent of Police, Bongaon Police District is based on the Enquiry Report submitted by the Sub-Divisional Police Officer, Bongaon. The Additional District Magistrate (Panchayat) in his Enquiry Report infers as below :
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“1. The allegation of the Complainant that the then Panchayat Pradhan Smt. Hema Sarkar and her husband Shyamal Sarkar and another Panchayat Member Sanyasi Sarkar had taken money from the complainant has not been proved as it appears that the money has been given by Paresh Mondal purely for the purpose of treatment of the other brother Naresh Mondal as there was a severe fight between the two sons of Tarak Mondal regarding family issues on 13.07.2013 and Naresh Mondal got severely injured by Paresh Mondal. (Copy enclosed herewith as Annexure-'E')

2. The ancestral joint Property or land in question till date is in the name of Late Kalu Mondal, the father of Tarak Mondal who is alive and father of Paresh Mondal and Naresh Mondal. Shri Tarak Mondal has the full authority and discretion in respect of to whom he shall gift his portion of the ancestral property. The Tarak Mondal has stated in writing that he does not want to gift any portion of the joint property to his son Paresh Mondal in view of the protection of peace and tranquility of his family. (Written statement of Shri Tarak Mondal is annexed herewith as Annexure-'F').”

On the other hand, what I find, the Sub-Divisional Police Officer has conducted a thorough enquiry with regard to the allegations made in the complaint. In such context, the relevant portions of the Report of the S.D.P.O. may be excerpted as below:

“During the course of enquiry, EO visited the locality situated behind the residence of Naresh Mondal and interacted with the neighbouring residents, namely 1 Sukumar Mondal (60 years), S/o Lt. Natu Mondal 2 Molay Mondal (35 years), S/o Biswajit Mondal, and 3 Gopal Mondal (55 years) S/o Lt. Kalipada Mondal. Each of them was

examined separately and independently regarding the allegations made by the complainant. All the above-mentioned persons stated that they have known both the families for a considerable period and that the dispute between the parties relates to family land/property. However, they categorically stated that they have no knowledge regarding any demand of illegal gratification by any police personnel of Bongaon Police Station. They further stated that they had neither witnessed nor heard of any incident in which any police official refused to take lawful action against the complaint of Smt. Sima Mondal after demanding money. Thereafter, EO visited the locality situated behind the residence of Paresh Mondal and examined the neighbouring residents, namely 1. Narayan Karmokar (38 years), S/o Ashim Karmokar 2. Prasenjit Mondal (55 years), S/o Lt. Paritosh Mondal and 3. Panchu Gopal Mondal (60 years), S/o Lt. Bijay Mondal.

The above-mentioned persons stated that they have no knowledge regarding the allegations made by Smt. Sima Mondal against the Officer-in-Charge or any other police official of Bongaon Police Station. They further stated that they are not aware of any incident in which police personnel demanded money from the complainant or threatened her to implicate in false criminal cases. They also stated that they have no knowledge that the then Pradhan Smt. Hema Sarkar, her husband Shyamal Sarkar, or Panchayat Member Sanyasi Sarkar accepted money from the complainant or her family on the assurance of restoring possession of the disputed land.

During the course of enquiry, EO also examined the father-in-law of the complainant. He stated that, with a view to maintaining peace and harmony within the family

and to avoid any dispute between his two sons, he had voluntarily given 24 decimals of land appertaining to Dag No. 1120 under Hanidanga Mouza to his elder son, Paresh Mondal, and his daughter-in-law, Smt. Sima Mondal. He further stated that the present dispute pertains to family and landed property issues. He categorically stated that he has no personal knowledge regarding the allegations that any police personnel of Bongaon Police Station demanded illegal gratification, refused to take lawful action, or threatened the complainant with false criminal cases. He also stated that he has no knowledge of the then Pradhan, Smt. Hema Sarkar, her husband, Shyamal Sarkar, or Panchayat Member, Sanyasi Sarkar, accepting any money from the complainant's family on the assurance of restoring possession of the disputed property. According to him, the dispute is essentially a family property dispute and is being pursued through the appropriate legal process.

During the enquiry, all the independent local witnesses consistently stated that the allegations made by Smt. Sima Mondal before the Hon'ble Lokayukta were not within their personal knowledge and that they could not substantiate any of the allegations. According to them, the dispute is essentially a long-standing family and undivided landed property dispute between the concerned parties, and they have no personal knowledge of any misconduct or illegal act committed by the police officials of Bongaon Police Station. The matter was duly entered in Bongaon Police Station G.D. Entry No. 366 dated 05.07 2026.

During the course of enquiry, the records of Bongaon Police Station were also examined. It was revealed that the dispute between the family of the complainant and her brother-in-law is of a long-standing nature and has resulted

	<i>in the institution of several criminal cases by both sides against each other over the years. In this connection, Bongaon PS Case No. 554/2013 dated 13.07.2013 under Sections 341/325/326/448/307/34 IPC was registered on the basis of a written complaint lodged by Kumari Soma Mondal, daughter of Naresh Mondal, against Paresh Mondal, Smt Sima Mondal and others, alleging house trespass and assault with deadly weapons. As per the case records, Naresh Mondal sustained grievous head injuries requiring 38 stitches and was left with permanent physical disability, rendering one side of his body functionally impaired. Subsequently, Bongaon P.S. Case No 178/2014 dated 09.03.2014 under Sections 447/307/379/354/427/34 IPC was registered on the complaint of Paresh Mondal, son of Tarak Mondal, against Naresh Mondal and others alleging criminal trespass and assault. Thereafter, Bongaon PS. Case No 450/2014 dated 28.05.2014 under Sections 323/325/379/506/34 IPC was instituted on the complaint of Paresh Mondal alleging wrongful restraint, assault and theft against Naresh Mondal and others. Further Bongaon P.S. Case No. 1265/2015 dated 21.11.2015 under Sections 384/379/326/506/34/120B/452/427 IPC was registered on the basis of a Court complaint filed by Paresh Mondal against Ananda Mondal and others, alleging house trespass, theft, assault and criminal intimidation. The available police records thus reveal that both factions have been involved in prolonged litigation arising out of their family and landed property dispute with each side instituting criminal cases against the other on different occasions. This clearly indicates that the dispute is long-standing in nature and is rooted primarily in familial and property-related issues.</i>
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Upon careful consideration of the statements of the independent local witnesses and the materials collected during the course of spot enquiry, no corroborative evidence could be found in support of the allegations made by Smt. Sima Mondal, W/o Paresh Mondal, against the police officials of Bongaon Police Station. None of the witnesses supported the allegations regarding demand of illegal gratification, refusal to take legal action, or intimidation by the police. Accordingly, the allegations remained unsubstantiated during local verification, and the enquiry was conducted fairly, impartially, and in accordance with the directions of the competent authority.”

Perusal of the report of the District Magistrate and the report of the Superintendent of Police shows that there are long standing disputes and family quarrel between Paresh Mondal, the husband of the complainant Sima Mondal and Naresh Mondal, the brother-in-law of Sima Mondal over landed properties. As it is evident from the report of the Superintendent of Police, a Bongaon PS Case No. 554/2013 dated 13.07.2013 under sections 341/325/326/448/307/34, IPC was registered on the basis of an FIR lodged by Soma Mondal, daughter of Naresh Mondal against the complainant Sima Mondal, her husband Paresh Mondal and others, alleging house trespass and assault with deadly weapons. Bongaon PS Case No. 178/2014 dated 09.03.2014 under sections 447/307/379/354/427/34 IPC was registered on the basis of an FIR lodged by Paresh Mondal, the husband of complainant Sima Mondal against Naresh Mondal and others also alleging criminal trespass and assault. Thereafter, Bongaon PS Case No.450/2014 dated 28.05.2014 under sections 323/325/379/506/34, IPC was registered on the basis of an FIR lodged by Paresh Mondal against Naresh Mondal and others alleging wrongful restraint, assault and theft. Further, a Bongaon PS Case No.1265/2015 dated 21.11.2015

		under sections 384/379/326/506/34/120B/452/427, IPC was registered on the basis of an FIR lodged by Paresh Mondal, husband of Sima Mondal against Ananda Mondal and others alleging house trespass, theft, assault and criminal intimidation. The Report of Superintendent of Police shows that both factions have been involved in prolonged litigation arising out of their family and landed property dispute. After careful perusal of the report of the District Magistrate and the report of the Superintendent of Police this Forum finds that no evidence has been collected by either of them to substantiate the allegations of corrupt practices or abuse of power or willful failure to discharge duties against the respondents public functionaries and public servants. In view of the reports as discussed above, this Forum feels that there is no justification to initiate a preliminary enquiry and investigation thereafter in respect of the allegations made by the complainant in her complaint. Accordingly, the case is closed and the complaint is dismissed. Thus, the case is disposed of. Communicate this order to the complainant immediately. Let a copy of this order be sent to the District Magistrate, North 24 Parganas and the Superintendent of Police, Bongaon Police District for their information. Sd/- Justice Rabindranath Samanta Hon'ble Lokayukta
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