

S/L 7
16.09.2020
Ct. No. 5
GB

W.P.A 6239 of 2020

Arati Sen @ Aruti Sen
Vs.
State of West Bengal & Ors.

(Through Video Conference)

*Mrs. Sulekha Mitra,
Mr. Manas Kumar Das.*

...for the petitioner.

*Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay.*

...for the State.

By this writ petition the petitioner has challenged the inaction on the part of the Inspector-in-Charge, Burdwan Police Station in taking steps pursuant to the complaint dated July 4, 2020. The complaint dated July 4, 2020 is a letter from the advocate of the petitioner to the Superintendent of Police and Inspector-in-Charge of the Burdwan Police Station. In the said complaint the petitioner has narrated the difficulty faced by her and her unmarried daughter due to disturbances created by the respondent nos.6 to 9.

Affidavit-of-service shows that the respondent no.6 has been served with a copy of the writ petition, but the other respondents have refused to accept the notice sent by the petitioner. The refused sealed envelope is taken on record. The affidavit-of-service further shows that the respondent nos.8 and 9 have left without intimation.

However, respondent no.6 being the mother of the respondent nos.8 and 9 and the wife of the respondent no.7 is aware of this proceeding.

Mr. Chattopadhyay, learned advocate for the State-respondents has submitted a report from the Inspector-in-Charge, Burdwan Police Station from which it appears that pursuant to the proceeding initiated before the Chief Judicial Magistrate, Purba Burdwan an FIR being no.43 of 2019 was registered and Burdwan Police Station Case no.84 of 2019 dated February 10, 2019 under Section 323/325/307/386/120B of the Indian Penal Code had been started against the respondent nos. 6 to 9.

It also appears that the said respondents appeared before the competent court and have been released on bail. On September 30, 2019 a charge-sheet being Charge-sheet No.526 has also been filed and the investigation has been concluded by the police authorities. It appears that the petitioner has also approached the learned Judicial Magistrate, 2nd Court, Purba Burdwan under the Protection of Women against the Domestic Violence Act, 2005 being Misc. Case No.197 of 2011. In the said proceeding an order was passed upon the respondent nos. 6 to 9 to pay maintenance of Rs.1500/- to the petitioner. The petitioner has also filed an application under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Sub-Divisional Officer (North), Burdwan. The Sub-Divisional Officer, Burdwan Sadar also requested

the police authorities to look into the matter. Subsequently, the learned advocate of the petitioner wrote a letter to the police authorities alleging that the respondent nos. 6 to 9 are making the lives of the petitioner and her unmarried daughter miserable and they are not being able to live in the premises peacefully. Pursuant to the said letter the police authorities made due inquiry and submitted a prosecution under Section 107/116(3) of the Code of Criminal Procedure against the respondent nos.6 to 9 vide NCR No.235/20 dated July 9, 2020.

In my opinion, the police authorities have taken sufficient steps in the matter, however, if the petitioner alleged further commission of any cognizable offence, the police authorities will act and proceed in accordance with law. As the petitioner has already approached the different forums under the respective specified statutes, the petitioner may continue the proceedings and pray for all reliefs.

Accordingly, WPA 6239 of 2020 is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)