

15th December,
2020
(AK)
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W.P.A. 10378 of 2020

Rubi Mandi
Vs.
The State of West Bengal & Ors.

Mr. Moloy Roy
Mr. Kaustav Manna
Ms. Sutapa Upadhyay
...For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Ganga Prasad Mukherjee
...For the State.

The writ petitioner alleges that she is the widow of one of the legal heirs of a co-owner of the property-in-dispute and is being assaulted and beaten up by the children of the other co-owners. It is alleged that the petitioner approached the police authorities with several complaints but to no effect.

Learned counsel for the State respondent submits that there were discrepancies in the complaints of the petitioner as regards assault, which were revealed in a preliminary enquiry under taken by the police authorities on the petitioner's complaint. As such, it is submitted that no further investigation could be launched on such complaint.

It is further submitted by the respondent authorities that the matter emanates from a civil dispute and hence it is beyond the jurisdiction of the police authorities to

adjudicate the same, although the parties concerned have been asked by the police authorities to maintain peace and tranquility in the area.

It is further submitted that already proceedings have been initiated under Sections 107 and 116 of the Criminal Procedure Code against the private respondent.

It appears from the submissions of the parties that the crux of the dispute is civil in nature and as such the respective contentions of the contesting parties cannot be decided at this juncture.

Irrespective of what steps have been taken by the police authorities, W.P.A 10378 of 2020 is disposed of by directing respondent no.3 to immediately look into the complaints of the petitioner, if made in future, with regard to any offensive being raised against her by the private respondents.

The petitioner is granted the liberty to approach the police at any point of time, in the event there is any valid threat perception to her life and property.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)