

13.09.2021.
Item No. 74.
Court No.13
ap

**W.P.A. No. 170 of 2021
(Through Video Conference)**

**Smriti Jati
Versus
The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee,
Mr. Kunal Ganguly.

...For the petitioner.

Mr. N. C. Bihani,
Ms. Papiya Banerjee,
Mr. Soumyajit Ghosh.

...For the State.

This Court does not appreciate the fact that the an earlier writ petition being W.P.A. No. 11581 of 2020 was instituted by one Aditi Ghosh, aunt of the writ petitioner herein and was disposed of by an order dated 6th January, 2021 has been suppressed in the instant writ petition.

However, taking an over all view of the matter and considering the fact that the actual writ petitioner, namely, Aditi Ghosh, is a senior citizen and is ailing, this Court entertains the instant writ petition.

The Inspector-in-charge, Sonarpur Police Station, Baruipur Police District has submitted a report dated 30th August, 2021. The said report along with the e-mail dated 24th August, 2021 are taken on record.

It appears that the Sonarpur Police Station vide Charge-sheet No. 1127 of 20 dated 31.12.20220 under

Sections 341/323/354/506 of the Indian Penal Code has been registered against Somnath Ghosh. A further case filed with the Baruipur Woman Police Station by the said Aditi Ghosh has also been registered under Sections 448/323 of the Indian Penal Code and Sections 24/25 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007.

After due investigation, Baruipur Woman Police Station has filed Charge-sheet No.5/21 dated 29.01.2021 under Sections 448/323 of the Indian Penal Code and Sections 24/25 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007.

In so far as the complaint dated 17th December, 2020 is concerned, Counsel for the State submits that due enquiries have been made and the statements thereunder could not be corroborated. The police need not take any further steps in respect of the said complaint.

It has been mentioned in the said report dated 30th August, 2021 that the respondent no.5, namely, Somnath Ghosh has stated that he has no objection if the petitioner's maternal aunt, Aditi Ghosh, tried to enter the said premises and stay in her portion thereat.

Sonarpur Police Station has also written to the writ petitioner by e-mail of 24th August, 2021 that they

would give all assistance to the said Aditi Ghosh to enter into the said premises.

In that view of the matter, this Court finds absolutely no inaction on the part of the police.

On the contrary, this Court would like to appreciate the prompt steps already taken by the Sonarpur Police Station and Baruipur Women Police Station, both under the Baruipur Police District.

It is made clear that in the event the said Aditi Ghosh approaches the Police Station and confirms that she is comfortable with the writ petitioner herein, the Inspector-in-charge, Sonarpur Police Station shall escort both the petitioner and Aditi Ghosh into the said premises to occupy the ground floor.

In the event, the said Aditi Ghosh does not confirm the entitlement of the writ petitioner, namely, Smriti Jati is unable to indicate as to whether she would allow Smriti Jati to come into the said premises only Aditi Ghosh shall be entitled to be escorted into the said premises in the ground floor.

The instant writ petition is disposed of with a warning to the writ petitioner not to suppress the material facts before this Court.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)