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WPA 5797 of 2021

(Via video conference)

Tania Das Sardar
Vs.
The State of West Bengal and others

Mr. Samir Roy Chowdhury

... for the petitioner

Mr. Samrat Sen,
Ms. Manali Ali

.... for the State

The petitioner alleges that the petitioner, along with her husband, were driven out from her matrimonial home after being beaten up by her in-laws. The petitioner, as a consequence, was hospitalized and later on released. However, it is contended by learned counsel for the petitioner that the in-laws of the petitioner have been obstructing the entry of the petitioner and her husband to the petitioner's matrimonial home thereafter.

The writ petition has been filed for a direction upon the police authorities to

provide assistance to the petitioner and her husband to enter the petitioner's matrimonial home.

Learned senior counsel appearing for the State-respondent submits that the police have already investigated into the complaint of the petitioner under Section 498A and other relevant sections of the Indian Penal Code and have concluded the investigation, followed by filing a charge-sheet as long back as in August, 2020 before the competent Magistrate.

As regards the rights of the petitioner of re-entry to her matrimonial home, the petitioner has several efficacious alternative remedies to enforce such right, if the said house is treated as a matrimonial home of the petitioner. However, inasmuch as the alleged inaction of the police is concerned, in view of the filing of the charge-sheet, I am not convinced that such allegations hold good.

Accordingly, WPA 5797 of 2021 is disposed of by granting the petitioner liberty to approach the appropriate forum/court for reinstatement in her matrimonial home. If

such an approach is made, the competent forum/court shall adjudicate upon the same independently on its own merits without being influenced by any of the observations made in this order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)