

S/L 5
15.03.2021
Court No.16
SB

WPA 5869 of 2021
(Via Video Conference)

Smt. Sushmita Mukherjee
Vs.
State of West Bengal & Ors.

Mr. Gopal Mandal, Advocate

... for the Petitioner.

Mr. Nayan Chand Bihani, Advocate

Mrs. Papiya Banerjee Bihani, Advocate

... for the State.

Mr. Partha Sarathi Das, Advocate

... for the Private Respondent.

The grievance of the writ petitioner is that out of a matrimonial dispute and differences with her husband, she is under regular torture by her husband and in-laws.

It appears from the writ petition that the writ petitioner had already filed a proceeding before the learned Executive Magistrate at Alipore, being M.P. Case No. 900 of 2021 under Section 144 (2) of the Code of Criminal Procedure. In the said petition, an order was passed by the learned Magistrate on February 18, 2021 directing the concerned police authority to see that no untoward incident takes place at the scheduled property. Next date of hearing of the said application is fixed on March 18, 2021.

The writ petitioner now submits that aforesaid information being provided to the concerned police

authority, the local police authority did not take any step. Such inaction is the cause of the writ petition.

Mr. Nayan Chand Bihani, learned Counsel appearing for the State submitted on instruction that, no complaint had yet been lodged before the relevant police authority and as such the writ petitioner did not disclose any such complaint in the writ petition.

Mr. Bihani has placed a report dated March 12, 2021 before this Court which was prepared by the Officer-in-Charge, Haridebpur Police Station and the same is kept on record. He then submitted that, it might so happen that the writ petitioner is not aware of as to the filing or pendency of this writ petition.

Mr. Partha Sarathi Das, learned advocate represented the private respondents, being the husband and in-laws of the writ petitioner. He submitted that, the subject matter of the writ petition arose out of a matrimonial dispute. The writ petitioner had already approached before the criminal court and the matter is fixed on March 18, 2021, for further hearing.

After hearing the parties and upon perusal of materials on record, this Court is of the view that, dispute as pleaded in the writ petition cannot be gone into or adjudicated upon by this Court by exercising its high prerogative writ jurisdiction. Inasmuch as, the

criminal proceeding is already pending and next date of hearing is fixed on March 18, 2021. In any event, if the writ petitioner has any grievance against the police authority, the same can also be addressed before the jurisdictional criminal court in terms of the relevant provision of criminal law, in the facts of this case.

In view of the aforesaid discussion and reasons stated, the present writ petition being WPA No. 5869 of 2021 stands dismissed.

There shall be no order as to costs.

(Aniruddha Roy, J.)