

01.07.2021

Sl. No.2
Court No.8
BM.

WPA 9758 of 2021

Smt. Jyotsna Paul
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Prajnadeepta Roy
Mr. Subhajit Das

... for the petitioners

Mr. Amitesh Banerjee, Sr. Adv.
Mr. Subhabrata Datta
Mr. Debashis Sarkar

... for the State

Mr. Amrin Khatoon

... for the respondent nos.4 & 5

In compliance of this Court's order dated 28.06.2021 Mr. Amit De Sarkar, Officer-in-Charge, Jadavpur Police Station is present before this Court with his report to this effect that on 2nd January, 2021 the writ petitioner had been to Police Station along with her daughter Dalia Paul(Mondal) and informed the duty officer that her daughter-in-law picked up quarrel and threatened the petitioner over the issue of family dispute and as per her request a general diary being GD Entry No.111 dated 02.01.2021 was diarised for future reference.

On 8th March, 2021 the petitioner again visited the Police Station and wanted to file a general diary as her son and his wife picked up quarrel with her using

filthy language and also threatened her on 7th March, 2021 but complaint of physical assault was ever made to the duty officer. The report was diarised being GD No.582 dated 08.03.2021 and the said GD was duly signed by the petitioner concerned. Thus, it is submitted by Mr. Amitesh Banerjee, learned counsel for the respondent no. 3 that since no complaint disclosing cognizable offence was made, no First Information Report could be registered.

The report further reflects that on 7th March, 2021 at about 6 PM the respondent no.4 called at the Police Station and informed the duty officer that his mother and sisters were not allowing him and his wife to enter the house and has threatened to throw out all their belongings. The duty officer thereafter informed the Mobile Patrol Van to go to the spot and after much persuasion, the writ petitioner allowed them to enter the house. On that day at about 8:30PM, the respondent no.4 went to the Police Station and submitted written complaint stating that his mother has been mentally torturing him and his wife and has even stopped the water connection for which they are suffering great distress.

On 16.03.2021 the respondent no.5 again visited the Police Station and lodged a complaint against the writ petitioner and her daughter alleging that the writ petitioner and her daughter had been demanding

dowry as they were not happy with stridhan articles given by her father.

It is submitted on behalf of the State respondent since the complaint disclosed cognizable offence under Sections 498A/506/34 of the Indian Penal Code, Jadavpur Police Station case No.114 dated 20 . 03.2021 under Sections 498A/506/34 of the Indian Penal Code was registered. So a notice under Section 41(A) of the Code of Criminal Procedure was duly served on the writ petitioner informing her that she may be asked to inform the investigating officer at her convenience place, where she can be interrogated and writ petitioner came to the Police Station on 26.03.2021 and presented herself for interrogation. Subsequently, the writ petitioner surrendered before the learned Additional Chief Judicial Magistrate, Alipore and obtained bail on 31.03.2021. Hence, the police authority acted in law and the writ petition is without any merit.

Mr. Roy, learned counsel for the petitioner submits that such allegation appears to be concocted prima facie in view of the injury and torture alleged by the petitioner on her person on 7th March, 2021 which is reflected from the photographs of the petitioner annexed to the writ petition.

Mr. Amitesh Banerjee, learned counsel for the State respondent invites my attention to the GD Entry No.582 dated 08.3.2021 annexed to the writ petition to submit that writ petitioner has not disclosed allegation of physical assault on her by her son or her daughter in law.

This Court observes photograph of the petitioner annexed to the writ petition at page 18 wherefrom it is revealed that writ petitioner an old lady suffered aberration on her hand which prima facie finds corroboration from the medical report dated 07.03.2021 of Baghajatin State General Hospital showing physical assault by her son and daughter in law. This fact might have been disclosed by the petitioner but the duty officer on the desk failed to note the same. There appears a dispute between mother and her son behind all these incident because the respondent nos.4 and 5 had informed Jadavpur Police Station against the petitioner and other alleging that respondent nos. 4 and 5 were not allowed to enter into the house and at the intervention of the local Police Station they were permitted to reside at the house but on the same date the petitioner appears to have been physically assaulted by the respondent nos. 4 and 5.

Having regard to the report, General Diary being placed before this court and upon hearing learned

counsel of all the parties, this Court is of the view that there is no Police inaction as such on the part of the State respondent, particularly, the respondent no.3. However, the petitioner has sought for direction upon the respondent no.3, servant, employees to ensure that the physical protection of the petitioner is given.

However, this court advice the writ petitioner to see that the respondent no.4 being her son and her daughter in law be allowed to have peaceful possession in his house bearing in mind that she is over all a mother of respondent no. 4 son who had suffered pain for keeping the child in her womb for nine months and who had nourished and brought up her son and daughter to this level.

The personal appearance of the respondent no.3 is dispensed with and the report submitted by the respondent no.3 be kept with the record.

With the above observation the writ petitioner being WPA 9758 of 2021 is disposed of with direction upon the Officer-in-Charge, Jadavpur Police Station being respondent no.3 to see that the old mother of the respondent no.4 is given proper protection in the hour of need and she is not subjected to physical torture by her son or her daughter in law.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Shivakant Prasad, J.)