

27.07.2021.
Item No. 122.
Court No.13
ap

**W.P.A. No. 10888 of 2021
(Through Video Conference)**

**Sri Pratap Mukherjee & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh,
Sk. Sujauddin.

..for the petitioners.

Ms. Sutapa Sanyal.

...For the State.

Mr. Prabir Majumder,
Mr. Sudip Sarkar.

...For the private respondent nos.7 & 8.

Affidavit-of-service filed in Court today by the
Counsel for the petitioners be taken on record.

Counsel for the State has filed two reports of the
Inspector-in-charge, Uttarpara Police Station dated 5th
July, 2021 and 21st July, 2021. The same are taken on
record.

It is submitted that there are two complaints
that have been received by the Uttarpara Police
Station. The first is the FIR No.305 of 2019 dated
20.06.2019 under Sections
448/341/323/325/506/34 of the Indian Penal Code
that has resulted in a charge-sheet dated 30th July,
2019. It is further submitted that a second complaint
has been diarized as G.D. Entry No. 397 dated 24th
January, 2021. The Inspector-in-charge, Uttarpara

Police Station shall register an FIR in this case forthwith.

The petitioner and his wife are senior citizens and the owners of premises No. 18/A, Bhabani Sen Sarani, Post Office – Konnagar, Police Station – Uttarpara, District – Hooghly, PIN – 712235.

The petitioners are not comfortable with the respondent nos.7 and 8 who are admittedly son and daughter-in-law, residing with them.

In those circumstances, the Inspector-in-charge, Uttarpara Police Station shall immediately upon receipt of a copy of this order escort the respondent nos.7 and 8, namely, Sushanta Mukherjee and Pampa Mukherjee out of the said premises of the petitioners. The said respondent nos.7 and 8 shall not be allowed to enter the said premises of the petitioners without the written consent of the petitioners countersigned by the Inspector-in-charge, Uttarpara Police Station.

The Inspector-in-charge, Uttarpara Police Station shall also assist the petitioners in breaking open any padlock that has been fixed inside any portion or part of their premises.

Needless to mention that the petitioners shall have possession and residence of the said premises to the exclusion of one and all and except those who they may permit in writing and duly countersigned by the Inspector-in-charge, Uttarpara Police Station.

It is directed that an FIR to be registered in respect of the pending G.D., should be investigated into and disposed of expeditiously, and final report be submitted before the jurisdictional Magistrate within a period of one month from date.

The prayer for maintenance as allowed by the learned Judicial Magistrate, 5th Court, Serampore shall be put into execution forthwith. The presence of the petitioners shall not be required unless the petitioners themselves want to appear before the Court.

Let a copy of this order be communicated by the Counsel for the petitioners as well as Counsel for the State to the IC, Uttarpara P.S. and the learned Judicial Magistrate, 5th Court, Serampore immediately.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)