

15-09-2021
ct no. 13
Sl.139
sp

W.P.A. 12380 of 2021

Archana Shaw

-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

...for the petitioner

Mr. S.K. Mitra

...for the State

Mr. P.K. Kundu,
Mr. T. Gupta

...for the respondent no.4

Affidavit of service filed in Court today is taken on record.

The writ petitioner complains that the private respondent no.4, Binod Kumar Shaw, has married the 5th respondent, Pinky Shaw during the subsistence of marriage with the writ petitioner. A complaint was lodged in this regard with the Budge Budge Police Station.

Mr. Mitra, counsel for the State submits that upon receipt of the petitioner's complaint, an FIR being No. 119 of 2021 was registered on May 9, 2021 under Sections 498A/494/406 and Section 34 of the Indian Penal Code.

It is also submitted that a charge sheet has also been submitted on the aforesaid Section.

The private respondents are on bail.

This Court, therefore, sees no inaction on the part of the police in this regard.

The writ petitioner, however, seeks a direction from this Court to restore her back to the marital house. The remedy of the writ petitioner is under the provisions of the D.V. Act and/or other related statutes to seek a right of residence from her husband and/or in laws.

With the aforesaid observations, the writ petition is disposed of.

There shall 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.)