

04.04.2022.
Item No. 50.
Court No.13
ap

W.P.A. No. 511 of 2022
Smt. Nilima Mukherjee
Versus
The State of West Bengal & Ors.

Mr. Sougata Mitra,
Mr. Rameshwar Sinha,
Ms. Ankita Dey.

...For the petitioner.

Sk. Md. Galib,
Ms. Sujata Ghosh.

...For the State.

Despite service of notice, the private respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

The writ petitioner complains that the son and daughter-in-law are torturing her as a consequence whereof, she is forced to live with the sister-in-law.

The petitioner has lodged several complaints with the Madhyamgram Police Station in this regard.

Counsel for the State places instructions dated 21st January, 2022 issued by Madhyamgram Police Station addressed to the learned Government Pleader. The same is taken on record.

It is noted from the Police Report that in respect of two earlier complaints of the petitioner against the son and daughter-in-law, proceedings under Section 107 of the Code of Criminal Procedure have been taken out in respect of first complaint. In respect of the second complaint, it is submitted that FIR No. 31 of 2022 dated 14th January, 2022 has been registered

under Sections 341/323/325/506/34 of the Indian Penal Code and Section 24 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007. Investigation is on.

It appears that the trouble started between the petitioner and the private respondents, namely, son and daughter-in-law, particularly after the death of the petitioner's husband.

This Court sees that the allegations of the petitioner are prima facie corroborated by the report of the police.

In that view of the matter, Madhyamgram Police Station is directed to complete the investigation into the subject FIR as expeditiously as possible within a period of 45 days from date.

The Officer-in-charge, Madhyamgram Police Station shall escort the petitioner back into her house. The private respondents shall be warned by the Officer-in-charge, Madhyamgram Police Station against any misbehaviour and torture towards her.

It shall be made clear that in the event of receipt of any further complaint from the petitioner, Madhyamgram Police Station are under directions to evict the son and daughter-in-law out of the residence. The police authorities may continue to maintain vigil at the said residence.

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

There will 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.*)