

29.06.2022
Sl. No.160
srm

W.P.A. No. 575 of 2022
Babu Sona Muhuri
Versus
State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Asok Banerjee,
Mr. Diptendu Mandal,
Mr. Nikhil Gupta,
Mr. Arindam Poali

...for the Petitioner.

Mrs. Sipra Majumder,
Ms. Sangeeta Roy

...for the State-respondents.

The report of the police authority is taken on record.

It appears that on the basis of the statement of the petitioner before the police authority about the matrimonial discord between the petitioner and the respondent No.5, two general diaries were registered.

According to the Officer-in-Charge, Gosaba Police Station, the petitioner only informed the police authorities that the respondent No.5 had left the matrimonial home on her own will and was residing with her father. No allegation of torture had been made at the relevant point of time.

On the contrary, one Kabita Mondal lodged an FIR against the respondent No.6 and Gosaba Police Station Case No.40 of 2010 dated April 23, 2010 was registered, which

ended in filing of a charge sheet under Section 376 of the Indian Penal Code. On January 16, 2022, the respondent No.5 lodged an FIR against the petitioner and Gosaba Police Station Case No.22 of 2022 dated January 16, 2022 under Section 498A of the Indian Penal Code was registered against the petitioner. The investigation ended with filing of a charge sheet on January 29, 2022 under Section 498A of the Indian Penal Code against the petitioner and his parents.

The writ petition does not contain any complaint made before the police authorities. A learned Advocate's representation has been annexed. As it is the specific contention of the police authorities that no allegation of torture had been made before the authority by the petitioner, no orders can be passed in this writ petition. If the petitioner approaches the police authorities with any complaint of commission of any cognizable offence, the police authorities shall act and proceed in accordance with law, on the basis thereof.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)