

S/L 41
17.02.2022
Court No.13
SD

WPA 877 of 2022
(Via Video Conference)

Chandrika Prasad Verma & Anr.
Vs.
State of West Bengal & Ors.

Mr. Joyjit Roy Choudhury
...for the Petitioners.
Mr. Asish Kumar Guha
Mr. Naren Ghosh Dostidar
...for the State.
Mr. Narayan Prasad Agarwala
Mr. Gour Sundar Mukherjee
Mr. Samrat Paul
Ms. Priyanka Chowdhury
Ms. Payal Ghosh
...for the Respondent No.7.

The petitioners claim that the respondent nos.6 and 7 have tortured them. They have approached the ACJM under Section 125 of the Code of Criminal Procedure for maintenance which is since pending.

In view of pending of the said application before the SDO under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has been dismissed by the SDO.

The petitioners have also sought cancellation of a deed of gift in favour of the private respondents made by the petitioner no.2 in the year 2009. It appears from the records that no such prayer has been made.

In that view of the matter, the petitioners shall be at liberty to file a proceeding afresh before the SDO under

Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Insofar as maintenance is concerned, it appears that the petitioner has already filed an application under Section 125 of the Code of Criminal Procedure. In that view of the matter, the order of the SDO for dispossessing of the proceedings under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and in view of the pending of the application under Section 125 of the Code of Criminal Procedure is not disturbed.

The Officer-in-Charge, Bhatpara Police Station shall ensure that there is no breach of peace in the locale and the petitioners are not anyway threatened by the private respondents.

It appears that charge-sheet on the complaint filed by the private respondents being No.315/20 dated October 31, 2020 has been filed under Section 323/341/506/34 of the IPC and Sections 23 and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. There is no inaction

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

The report of the Officer-in-Charge, Bhatpara Police Station dated January 25, 2022 filed by the counsel appearing on behalf of the State be kept with the record.

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.)