

04.07.2022
Sl. No.203
srm

W.P.A. No. 976 of 2020

Pratibha Raju Haldar

Versus

The State of West Bengal & Ors.

Mrs. Pampa Dey (Dabal),
Mr. Krishna Deo Das,
Ms. Sabera Khatun

...for the Petitioner.

Mr. Raja Saha,
Mrs. Tanusri Chanda

...for the State-respondents.

The petitioner has alleged inaction of the Officer-in-Charge, Sankrail Police Station. It appears that on December 24, 2019, the petitioner filed a complaint before the Officer-in-Charge, Sankrail Police Station, *inter alia*, stating that after the sudden demise of the petitioner's husband, the petitioner and the minor daughter went to the village for cremation of late Raju Halder. When the petitioner claimed her share in the property, the respondent Nos.5 and 6 allegedly assaulted the petitioner and threatened the petitioner with dire consequences. On the basis of such complaint, the police authorities made an enquiry. It transpires that late Raju Halder had married one Krishna Halder, before marrying the petitioner. Although a divorce suit was filed, the enquiry did not reveal that the divorce had been granted by a competent

court. Enquiry by the police authorities also revealed that the auto centre, which the petitioner claims to be the business of late Raju Halder, belongs to some other person.

The dispute is with regard to property. The petitioner has claimed shares for herself and for her minor daughter. Finding the dispute to be civil in nature and relating to partition of the property of the deceased Raju Halder, the police authorities did not take any further steps.

Having considered the police report and the contentions of the petitioner, no order can be passed in this writ petition. The remedy of the petitioner would be to approach the appropriate civil court with regard to her claims. Such issue shall be decided independently. However, the police authorities shall ensure that law and order is maintained. The safety of the petitioner and her child shall be ensured. This order shall not be construed as a decision on the merits of the allegations made by the petitioner.

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.)