

28.11.2022
Court No.13
Item No.380
AP

WPA 2305 of 2021

**Monika @ Manika Dhol & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Sujoy Chakraborty
Ms. Shashwati Bhattacharjee

... For the petitioners.

Ms. Neha Dutt Tenani

... For the respondent No.5.

Despite service of notice, the State is not represented.

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

The petitioners, who are senior citizens, claim that the daughter-in-law has assaulted them. They have lodged a complaint with the Serampore Police Station.

It appears from the submissions of the parties that the daughter-in-law is now staying separately with her parents.

There is marital discord between the son and the daughter-in-law. There are both civil and criminal proceedings pending instituted by the daughter-in-law against the petitioners and their son.

Since the daughter-in-law is living away from the petitioners, the petitioners are safe.

It is now well-settled that in respect of marital disputes, the police are required to follow the dicta of the Supreme Court in ***Lalita Kumari Vs. Government of U.P. and Ors.*** reported in ***(2014) 2 SCC 1***.

In view of the above, this Court does not find any inaction on the part of the police.

The respondent daughter-in-law shall stay away from the petitioners' residence. The other proceedings taken out by the parties against one another may continue in accordance with law.

With the aforesaid directions, 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.)