

02.08.2022
Court No. 19
Item no.370
CP

W.P.A. No. 3093 of 2021

Kalpana Mondal
Vs.
The State of West Bengal & ors.

Mr. Younush Mondal
...for the petitioner.

The writ petition is misconceived. According to the petitioner, the police authorities did not assist the petitioner when the petitioner wanted to meet her ailing daughter. It appears that on the complaint of the petitioner an FIR was registered vide Bongaon Police Station Case No. 792/2020 under Sections 498A/ 494/506/34 of the Indian Penal Code.

The petitioner has also initiated proceedings under the Domestic Violence Act. At this juncture, the petitioner prays that the police authorities must be directed to accompany the petitioner to her matrimonial home in the midst of the investigation and also during the pendency of the proceedings under the Domestic Violence Act.

The daughter of the petitioner is a major and as such, this court cannot compel the daughter to meet the petitioner with police intervention. There is nothing on record to show that the daughter tried to communicate with the petitioner at any time. It also

appears that when the proceedings under the Domestic Violence Act had been initiated in 2016, the girl used to live with the petitioner. At that time the girl was 17 years old. Now the girl allegedly resides with the father. If the daughter had voluntarily gone to the father, the writ court cannot compel her to come back to her mother or even interact with the mother. Such wish of the petitioner can only be resolved amicably by the petitioner and her daughter.

The petitioner's relief under the Domestic Violence Act is yet to be decided.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)