

06.07.2022
Sl. No.291(ML)
srm

W.P.A. No. 3282 of 2021

Suvra Mukherjee

Versus

State of West Bengal & Ors.

Mr. S.M. Obaidullah,
Ms. Arpita Chatterjee

...for the Petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das

...for the State-respondents.

The police report is taken on record. It appears that a complaint was filed by the respondent No.9 and her father against the petitioner, her husband and her son complaining of physical and mental torture upon the respondent No.9. On the basis of the said complaint, Baguiati Police Station Case No.421 of 2019 dated October 18, 2019 under Sections 498A/406/34 of the Indian Penal Code had been registered against the petitioner, her husband and her son. After investigation, charge sheet has been filed under Sections 498A/34 of the Indian Penal Code against the FIR named accused persons. Trial is pending.

On December 25, 2020, another complaint was filed by the petitioner alleging that the respondent No.9 and

her father were threatening the petitioner and were also committing illegal trespass. On the basis of the said complaint, Baguiati Police Station Case No.485 of 2020 dated December 25, 2020 under Sections 341/448/506/34 of the Indian Penal Code was registered against the respondent No.9 and her father. Upon completion of the investigation, charge sheet has been filed. The matter is pending trial.

Thus, this Court does not find any laches or negligence on the part of the police authorities, with regard to the complaint filed by the petitioner. The investigation has been completed. Charge sheet has been filed. The petitioner is a charge-sheeted accused and is facing trial. The respondent No.9 and her father have also been charge-sheeted. Under such circumstances, the police authorities do not have a further role to play.

The writ petition is based on the apprehension that the petitioner may be obstructed and physically assaulted if she tries to enter her own home. No specific instances have been enumerated in the writ petition which would persuade the Court to accept such apprehension to be correct. However, the police authorities shall keep a sharp vigil in order to ensure that during the pendency of the trials, no harm is caused to either party.

This order shall not have any impact on the pending trials.

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.)