

10.06.2022
Sl. No.48
srm

W.P.A. No. 3687 of 2022

Sundar Naskar

Versus

The State of West Bengal & Ors.

Mr. Sunny Nandy,
Mr. Subha Pathak,
Mr. Tamal Singha Roy

...for the Petitioner.

Mr. A.K. Guha,
Mr. N.G. Dastidar

...for the State-respondents.

The allegation of the petitioner is against the respondent Nos.5 and 6. According to the petitioner, the respondent No.5 is the son from the first wife and the respondent No.6 is the daughter-in-law. Initially, there was a dispute over the property and the respondent No.5 had kept the ancestral house of the petitioner under lock and key. Pursuant to the complaint, the police authorities had enquired into the matter and prosecution under Sections 107/116(C) of the Code of Criminal Procedure was filed. Thereafter, the respondent Nos.5 and 6 permitted the petitioner to enter the ancestral house.

It is now alleged that the petitioner is not being allowed to leave the said house for any chores and errands. He has been kept in solitary confinement. Further allegation of torture has been made.

The police authorities have filed a report, from which it appears that there is a long standing dispute over property. The respondent No.5 was aggrieved because the petitioner had not given him adequate share in the agricultural land, as a result of which, the disputes arose and the respondent No.5 had forcefully taken possession of the ancestral property at village 36 No. Mondaler Lat, Police Station-Kultali.

The police authorities have also registered Kultali Police Station Case No.117 of 2022 under Sections 447/323/506/34 of the Indian Penal Code and Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The investigation has started. A copy of the FIR has also been filed before this Court, along with the report.

Under such circumstances, this writ petition is disposed with a direction upon the Investigating Officer of Kultali Police Station to complete the investigation expeditiously and reach the same to its logical conclusion in a free and fair manner. During the investigation, the police authorities shall ensure that no untoward incident takes place and all the parties maintain peace and tranquillity. The petitioner should not be harassed.

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.)