

S/L 415(ML)
14.07.2022
Court. No. 19
GB

WPA 6833 of 2022

Sri Nany Gopal Baidya
VS
The State of West Bengal & Ors.

Mr. Debasis Kar.

...for the Petitioner.

Mr. Ranjit Rajak.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The writ petition has been filed for a direction upon the police authorities to ensure entry of the petitioner into his own house, where allegedly the petitioner's wife resides. Further prayer has been made for grant of proper police protection to the petitioner.

It appears that the petitioner's wife had filed a complaint against the petitioner and an investigation was started. The investigation culminated with the filing of a charge-sheet under Sections 498A of the Indian Penal Code. It also appears that on the complaint of the petitioner another investigation had been started vide Titagarh Police Station Case No.683 of 2021 dated September 18, 2021 under Sections 324/325/34 of the Indian Penal Code. The said investigation also ended with the filing of a charge-sheet under Sections 341/323/506 of the Indian Penal Code. Both the parties are now facing trial.

Under such circumstances, the prayer of the petitioner for police help to enter into the house where the

petitioner's wife resides, cannot be passed. If there has been any ouster, the petitioner can take steps before the civil court.

Passing an order as prayed for by the petitioner, may give rise to further possibility of violence, when both the petitioner and his wife are charge-sheeted accused in the case and counter case.

Under such circumstances, the writ petition is disposed of, without passing such order. However, the police authorities shall ensure that the petitioner is not unnecessarily harassed or threatened by anyone.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)