

19.7.2022
Court No. 19
Item no.144
sn

WPA No.12005 of 2022

Totan Nandi
Vs.
The State of West Bengal & ors.

Mr. Soumya Banerjee .for the petitioner

Md. Galib
Mr. Gourav Das .for the State

Despite service, none appears on behalf of the respondent nos. 5&6. Let the affidavit of service be taken on record.

The petitioner alleges that the respondent nos. 5&6 had forcefully ousted the petitioner from her residence situated at Singti village, under the jurisdiction of Udaynarayanpur Police Station.

The police authorities have filed a report. It appears that on the basis of two complaints filed by the petitioner, the Udaynarayanpur Police Station Case No.134 of 2018 and Udaynarayanpur Police Station Case No. 26/2020, had been registered against the respondent nos. 5&6. The investigation in both the cases have been concluded and the charge sheets have been filed before the learned jurisdictional Magistrate.

On the basis of the proceeding under Section 144(2) of the Code of Criminal Procedure, initiated by the petitioner, prosecution under Section 107 of the

Code of Criminal Procedure was submitted against the respondent nos. 5&6. It further appears that a complaint has been filed before the Udaynarayanpur Police Station with regard to physical and mental torture etc. Udaynarayanpur Police Station Case no. 123 of 2021 dated September 15, 2021 was registered under Section 498A/323/325/354B/307/34, of the Indian Penal Code read with 3 and 4 of the Dowry Prohibition Act.

The petitioner's husband was arrested and was produced before the learned Magistrate. The petitioner's husband has been subsequently released on bail. The investigation with regard to the Udaynarayanpur Police Station Case no. 123 of 2021 had also been concluded and charge sheet has been filed. The police report further indicates that the parties do not reside in the said premises and the petitioner had left the residence on her own volition.

Without going into the correctness of the cases and counter cases, this court directs that in case the petitioner wants to go back to her residence, the police authorities must provide necessary assistance.

The petitioner will meet the Officer-in-Charge, Udaynarayanpur Police Station on July 22, 2022 at 11 a.m. The police authorities shall escort the petitioner to her residence. A vigil shall be

maintained in order to prevent further untoward incidents.

This writ petition is disposed of.

There will be, however, 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.)