

26.07.2022
Sl. No.176(ML)
srm

W.P.A. No. 12946 of 2022

Tuhina Bibi

Versus

The State of West Bengal & Ors.

Mr. Asis Bhattacharyya

...for the Petitioner.

Mr. Jaydip Banerjee

...for the State-respondents.

The petitioner alleges that despite a complaint having been lodged against the respondent No.4, the police authorities have not taken any steps. It is further alleged that further steps with regard to recovery of the '*stridhan*' articles of the petitioner, have also not been taken by the police.

The police authorities submit that on an earlier occasion on the basis of the complaint of the petitioner, Kashipur Police Station Case No.479 of 2016 dated September 24, 2016, under Sections 498A/406/325/307 of the Indian Penal Code, had been registered. The said investigation ended with the filing of a charge sheet being Charge Sheet No.522 of 2016 dated November 19, 2016, under Sections 498A/406/34 of the Indian Penal Code.

It is submitted that thereafter, the parties reconciled and the petitioner started living with her husband along with

her two sons. Once again, a complaint was lodged on August 26, 2021 before the Kashipur Police Station with regard to assault and torture by the respondent No.4. On the basis of such complaint, Kashipur Police Station Case No.392 of 2021 dated August 27, 2021, under Sections 498A/325/307 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act had been registered. The respondent No.4 was arrested and forwarded to the learned jurisdictional Magistrate.

Under such circumstances, the allegation of police inaction is not substantiated. However, as the petitioner complains that her '*stridhan*' articles are in the matrimonial home, the police authorities shall take necessary steps in accordance with law with regard to the said allegation. The investigation, which has been initiated, shall be concluded in a free and fair manner.

This order shall not be construed as a declaration of the fact that the '*stridhan*' articles are actually at the matrimonial home. No such averment had been made in complaint, filed before the police authorities.

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.)