

25.08.2022
Court No. 19
Item no.03
CP

WPA No. 13198 of 2022

Sonali Sikari
Vs.
The State of West Bengal & ors.

Mr. Kamalesh Chandra Saha

....for the petitioner.

Mr. Subhabrata Datta
Mr. Sanatan Panja

....for the State.

Mr. Surajit Basu
Mr. Rudraksha Chattopadhyay
Ms. Ranu Mondal

....for the respondent no. 7.

Mr. Manabendra Thakur
Mr. Partha Sarathi Das

...for the respondent nos. 4,5 & 6.

Having heard the learned advocates for the respective parties and upon consideration of the police report, it appears that the issues are in the nature of a family dispute. The petitioner alleges assault and molestation by the father-in-law. The court finding such allegation to be serious, had directed the husband of the petitioner to be added as a respondent, this proceeding. The addition was made and the husband was served.

The learned advocate for the husband has specifically submitted that the dispute arose when

the petitioner gave birth to a girl child. It is submitted very fairly by the learned advocate for the husband, that the couple may be allowed to reside in the house along with the parents, peacefully. It is submitted by the husband that they are residing at their father's house, but their living conditions are not comfortable as they are compelled to reside in the varandah.

The police report is taken on record.

The police authorities upon making a preliminary enquiry have come to the conclusion that the allegations made in the compliant dated October 12, 2021, against the father-in-law were not correct. That the said complaint was filed as a counter-blast. That the father-in-law had been residing in a tile shed room at 426/A, Jessore Road, Nivedita Pally, Police Station – Lake Town, for the last fifty years upon paying tax to the Irrigation Department. The land on which the room exists is the 'khas' land of the Irrigation Department. In 2009, the petitioner got married to one of the sons and started living in the matrimonial home. After some years, family disputes cropped up and the elder brother and his wife left the matrimonial home and started living at 255 Bangur Avenue Block – A.

The petitioner and her husband had assaulted Namita Sikari, the petitioner's mother-in-law and

over the complaint lodged by the respondent no. 5, Lake Town Police Station Case No. 76/2021 dated April 19, 2021, under Sections 341/323/427/506/34 of the Indian Penal Code, was registered. Charge-sheet has been filed.

The police enquiry revealed that the dispute is with regard a proposed development on the plot situated at 426/A, Jessore Road, Nivedita Pally, Police Station – Lake Town. The police authorities filed an application under Section 155 of the Cr.P.C. before the learned jurisdictional magistrate for permission to prosecute the case as a non-cognizable offence. Accordingly, a prosecution under Section 107 of the Cr.P.C. was submitted against the respondent nos. 4 to 6. It appears that parallel proceedings had been initiated by the petitioner before the learned Sub-Divisional Executive Magistrate, Bidhannagar, under Section 144(2) of the Cr.P.C. The police report filed in the said proceeding has been placed before the court. The police report which has been filed in the said proceeding and also before this court, more or less tally.

Under such circumstances, nothing further remains to be decided in the writ petition.

It is made clear that the parties shall not indulge in any unlawful activity while enjoying the house, in the manner in which the same was so far

enjoyed. The writ court cannot decide how the property shall be divided between the parents and the son and the daughter-in-law.

A vigil shall be maintained to ensure that the parties do not indulge in the commission of any cognizable offence.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)