

05.08.2022  
Court No.19  
Monthly List  
Item No.77  
AP

**WPA 13436 of 2022**

**Smt. Padma Surul  
Vs.  
The State of West Bengal and Ors.**

Mr. Kajal Ray

... For the Petitioner.

Mr. Amal Kumar Sen  
Mr. Jaladhi Das

... For the State.

Mr. Suman Chakraborty

... For the Private respondent.

The petitioner alleges police inaction. It is alleged that the respondent Nos.4 and 5 that is the son and daughter-in-law of the petitioner had been continuously torturing the petitioner. It is contended that the respondent Nos.4 and 5 are not entitled to reside on the same premises as the petitioner, because the property had been left behind by the husband of the petitioner. The petitioner wants to continue living in the said premises with her unmarried younger son.

On the basis of the initial complaint of the petitioner, a non-cognizable report under Sections 107/116(3) of the Code of Criminal Procedure was submitted against the respondent Nos.4 and 5, by the police authorities.

Thereafter on the specific complaint of the petitioner about physical and mental torture by the respondent Nos.4 and 5 and dispute over the ancestral

property, Pandua Police Station Case No.299/22 dated 7<sup>th</sup> July, 2022 under Sections 384/323/506 of the Indian Penal Code read with Section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 had been started. The investigation is in progress.

Learned counsel for the respondent Nos.4 and 5 submits that the said respondents do not have any objection to maintain and look after the petitioner. It is specifically contended that on the instigation of the younger brother, the complaints have been lodged before the police authority, as the younger brother wants to grab the entire property.

These aspects, which have been submitted by the parties before this Court, are matters of investigation. However, the petitioner is 76 years old and is entitled to be protected and maintained by her children. The police authorities are also liable to give her necessary protection including the witness protection in view of the pending investigation.

Under such circumstances, the writ petition is disposed of with a direction upon the Officer-in-Charge, Pandua Police Station to keep a strict vigil in the premises in question and ensure that the petitioner is safe and secure. This order shall not prejudice any other proceedings which the parties may initiate.

There shall be no order as to costs.

The report of the Officer-in-Charge, Pandua Police Station dated 8<sup>th</sup> July 2022 is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Shampa Sarkar, J.)**