

14 14.10.2022
NB Ct. 32

WPA 23221 of 2022

Amulya Kumar Mandal
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Biswas,
Mr. Partha Sarathi Das,
Mr. Somnath Ganguly,
Mr. Raja Shaw,
Mr. Rajat Kumar Dhar.
...for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Lal Mohan Basu.
...for the State.

Mr. Sanat Kumar Das,
Mr. Suvadip Bhattacharjee.
...for the respondent no.6.

This is an application praying for direction upon the respondent authorities particularly the Officer-in-Charge, Titagarh Police Station to take immediate steps to ensure security and protection of the petitioner against the unlawful acts of the private respondent.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the former father-in-law of the respondent no.6. An ex parte divorce was obtained by the husband from the respondent no.6 by an order dated 09.12.2021 passed by the learned Additional District Judge, Fast Track Court No.1, Barasat in Mat Suit No.2050 of 2021. After this, the respondent had no right to remain in the residence and that too by threatening an intimidating the parents in law. Appropriate directions may be passed in this regard.

Learned counsel appearing on behalf of the private respondent submits as follows. The petitioner is totally unaware of any divorce decree. She has come to know about it only after she received a copy of the writ petition. However, she is aware of another application for divorce filed by the husband, which was subsequently withdrawn. It was the respondent no.6 who was tortured by the in-laws. This compelled her to file applications under the Protection of Women from Domestic Violence Act and under Section 125 of the Code. She has two minor children to fend for. In fact, she has been on the receiving end for which the aforesaid proceedings had to be initiated. The husband works in a paramilitary force and pursuant to a Court's order he sends money to the wife and children for maintenance.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed on behalf of the State.

Learned counsel appearing on behalf of the State files a report, which is taken on record and submits as follows. There are proceedings initiated by both the private parties against each other. The disputes appear to be primarily civil in nature. There is already a proceeding initiated by a party under Section 144 of the Code.

A copy of the report may be handed over to the learned counsel for the other side.

It appears that the respondent no.6 is staying with his two minor children at her in-laws' house and the father in law being the present petitioner. But he is making allegations of threats and intimidation from her end and has sought protection.

However, the materials available on record do not make out a case for passing any order in favour of the present petitioner in this regard.

In view of the above, the writ petition is disposed of without passing any direction upon the respondent authorities.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)