

28.06.2023
Court No.13
Item No.24
pk

WPA 94 of 2023

**Gour Sarkar
Vs.
The State of West Bengal and Ors.**

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Pankaj Biswas
Mr. Swakshar Kumar Mondal

... For the Petitioner.

Mr. Ashim Kumar Ganguly
Mr. Malay Krishna De
Mr. Tarak Karan

... For the State.

Ms. Rupsa Sreemani

... For the respondent nos. 5 and 6.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner complains that his son and daughter-in-law/private respondents have thrown him out of his own house after torturing him over a period of time. He has complained to the Chakdah Police Station but no steps have been taken.
3. Mr. Ganguly, learned advocate for the State places instructions of the Chakdah Police Station.
4. It appears that on the petitioner's complaint, the Police have taken out proceedings under Sections 107 ad 116 of the Cr. P. C. against the private respondents.
5. It further appears that as a counter blast to the instant writ petition, the private respondent/daughter-in-law has instituted a complaint against the petitioner, which is registered

as FIR No. 23 of 2023. The said investigation has been completed into the subject FIR and the Charge Sheet No. 02 of 2023 dated 13.01.2023 under Sections 498A/323/354/506/34 of the IPC has been filed.

6. The learned advocate for the private respondents submits that they have no objection to the petitioner returning to his house. They shall not obstruct the petitioner. They shall take care of him.
7. If the private respondent/daughter-in-law seeks any right of residence in the house, she may approach the appropriate Court under the provisions of the PWDB Act, 2005. Her claim essentially is first against her husband, son of the petitioner. The son even otherwise does not appear to have any right to reside in the said residence.
8. Be that as it may, in the event of any further complaint from the petitioner, Chakdah Police Station shall register appropriate FIR and cause necessary investigation and, if necessary, coercive measure may be taken against the private respondents.
9. The private respondents are warned not to in any way disturb the petitioner. The warnings shall be communicated by the Police to them.
10. It is made clear that in the event of any complaint of any physical abuse or torture by the private respondents, the police shall make

necessary enquiries and escort the private respondents out of the residence.

11. The Police shall render all assistance to the petitioner to go back to his house.
12. For the aforesaid purpose, the petitioner may visit the Chakdah Police Station on Saturday (01.07.2023) at 11.00 a.m.
13. The writ petition is disposed of.
14. There will be no order as to cost.
15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)