

08.02.2023
Court No.13
Item No.3
AP

WPA 1623 of 2022

**Minati Sarkar and Anr.
Vs.
The State of West Bengal and Ors.**

Ms. Minati Sarkar

... Petitioner No.1 (in person).

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

... For the Respondent Nos.4, 5 & 6.

The petitioner No.1 is appearing in person. She has a large number of grievances against the private respondents/brothers-in-law. The petitioner No.1 claims that the private respondents/brothers-in-law have assaulted her on repeated occasions and have stolen papers and documents from her residence.

It is also submitted that window panes have been broken by the private respondents. A CCTV camera has been placed in such a way that it captures the bathroom of the petitioners.

The private respondents are represented. Mr. Bagchi, learned counsel on behalf of the private respondents submits that the petitioners are belligerent and habitual litigants.

Khardah Police are represented and have filed a report dated 8th February, 2023 issued by the Officer-in-Charge, Khardah Police Station, Barrackpore Police Commissionerate and the same is taken on record.

It appears from the report of the Khardah Police that as many as six proceedings have been initiated and steps have been taken to alleviate the complaints of the petitioners. The police have found that the CCTV camera installed by the private respondents does not point towards the petitioners' bathroom.

It is further submitted that the Magistrates in the Court below, where the criminal proceedings have been heard, are intimidated by the petitioners and have often released the matters. The petitioners are also alleged to have made snide remarks against their earlier advocates and the learned advocates for the private respondents.

In so far as the allegations of assault on the petitioners by the private respondents are concerned, appropriate steps have been taken and FIRs have been registered which have resulted in charge sheets. Three several charge sheets being Khardah Police Station CS No.461 dated 31st October, 2010, Khardah Police Station CS No.290 dated 28th May, 2012 and Khardah Police Station CS No.289 dated 28th May, 2012, have been filed. The other complaints of the petitioners have been considered by the police and appropriate steps have been taken.

Copies of the complaints of the petitioners dated 4th May, 2022, 4th June, 2022 and 29th June, 2022 regarding assault on herself and her husband have been handed over by the petitioner No.1 and the same is considered by this Court.

It appears that the petitioners have filed an affidavit in the Court below before the learned 3rd Judicial Magistrate, Barrackpore in GR No.3566 of 2010 indicating that there is an error in this Court's order dated 7th October, 2021 and, hence, the instant writ petition has been filed. The affidavit appears to be baffling to say the least. This Court's mind is not free from doubt that the petitioners are abusing the process of Court.

This Court had already directed the Khardah Police to ensure that there is no breach of peace in the petitioners' residence and Khardah Police is regularly taking steps in that regard.

The petitioners' dispute with the private respondents as regards obstruction to the petitioners' construction is indeed a civil matter. The petitioners may take out appropriate civil proceedings in this regard.

The writ petitioners are warned against any frivolous litigation in future. If the petitioners do not cooperate in the pending criminal proceedings in the Court below, the Magistrates shall proceed with the matter without the petitioners' participation.

The pending criminal proceedings shall be disposed of within a period of three months from date mandatorily and positively. If necessary, the District Judge, North 24-parganas shall assign all the matters to one single Judicial Magistrate.

Khardah Police shall continue to maintain regular vigil on the said premises.

This order shall be communicated to the District Judge, North 24-Parganas by the Registry immediately.

If the petitioners complain of any threat in deposing in the Court below, Khardah Police shall render necessary protection to the petitioners, if necessary. For the aforesaid purpose the petitioners shall notify in advance to the Khardah Police the date on which the petitioners want to appear in the Court below.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)