

15.03.2023
Court No.13
Item No.22
AP

WPA 2451 of 2023

**Kamala Mistri and Anr.
Vs.
The State of West Bengal and Ors.**

Ms. Deboleena Ghosh

... For the petitioners.

Ms. Jayeeta Sinha
Mr. Sandip Mondal

... For the State.

Mr. Mohinoor Rahaman
Mr. Sk. Abumusa

... For the Private Respondents.

The petitioners claim that the private respondent son/Bidesh Mistri from time to time enters their house and causes physical harm and injury. The house was standing in the name of the petitioner No.2. It is submitted that the petitioners have gifted the property to his other sons excluding Bidesh Mistri. Inaction on the part of the Thakurpukur Police Station is alleged by the petitioner.

Learned counsel for the State has produced a report in the form of instructions dated 22nd February, 2023 issued by the Officer-in-Charge, Thakurpukur Police Station addressed to the learned Government Pleader and the same is taken on record.

It appears therefrom that on the petitioners' complaint proceedings under Section 107 of the CrPC was drawn up. On a subsequent complaint dated 4th February, 2023 FIR being Thakurpukur Police Station Case No.30 dated 4th February, 2023 was registered and

after investigation charge sheet No.23/2023 under Sections 341, 323, 506, 114 of the IPC has been filed. There is prima facie evidence against the private respondent son.

The private respondent son denies the allegations of the petitioners.

The private respondent son Bidesh Mistri and his wife Parbati Mistri (present in Court) undertake before this Court not to, in anyway, come near the petitioners' residence or enter the same. The private respondents are admittedly living in a rented premises away from the petitioners and carry on business thereat.

The Thakurpukur Police shall be entitled to take coercive steps against the private respondent son Bidesh Mistri and his wife Parbati Mistri in the event of any further complaint of the petitioners after due inquires and in accordance with law.

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.)