

12.04.2023
Court No.13
Item No.14
pk

WPA 4807 of 2023

**Sandhya Ghoshal
Vs.
State of West Bengal and Ors.**

Ms. Subhasree Patel,
Mr. Saikat Mondal,
Ms. Saini Das

... For the petitioner.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das

... For the State.

Despite service of notice, the son and daughter-in-law are not represented. Affidavit of service filed in Court is taken on record.

The writ petitioner complains that her son and daughter-in-law have been regularly torturing her. Complaints have been made to the Uttarpara Police Station. The police have drawn up proceeding under Section 107 of the Cr. P. C.

On the daughter-in-law's complaint, FIR was registered and a Charge Sheet No. 416 of 2018 dated 10th June, 2018 under Section 498A/325/506/34 of the IPC has been filed against the petitioner and five other persons.

While it is true that the daughter-in-law may want to seek residence in the joint household, she was required to make an appropriate application in the concerned court. There is no such application on record.

The son sells grocery items and the daughter-in-law works as an Aaya in a hospital. The house stands in the name of the petitioner. The house comprises of about three tiled rooms, two of which are rented out. The petitioner was surviving on rent, until February, 2023, when she was thrown out of the residence, she is now living at the mercy of the relatives. The wife of a deceased son has also been thrown out. The son is a habitual drunkard and has, even in February last, physically assaulted the petitioner.

In the facts and circumstances of the case and given the fact that the house stands in the name of the petitioner, Uttarpara Police Station shall escort the petitioner back into her house. The son and the daughter-in-law shall be sternly and stringently warned by the Police against causing any harm to the petitioner.

In the event of any further complaint from the petitioner, appropriate enquiry shall be made by the Uttarpara Police Station and the son and daughter-in-law may be taken into custody.

The said son and the daughter-in-law shall, thereafter, not be allowed to enter into their house. The petitioner may bring back her older widowed daughter-in-law to take care of her. The petitioner shall continue to receive rents from the tenants of the house for her maintenance and upkeep.

The report of Uttarpara Police Station dated 12.04.2023 is taken on record.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)