

12.10.2023
Serial no. 7
[G.S.D]

CRR 892 of 2023

In the matter of : Sugata Sen

... ... Petitioner

Mr. Arijit Chatterjee

... for the Petitioner

The petitioner has challenged the proceedings arising out of Section 12 of the PWDV Act preferred at the instance of the wife being A.C. No. 2341 of 2019.

Ld. advocate submits that there was no domestic violence so as to attract the provisions of the said Act.

This Court first offered the Id. Advocate appearing for the petitioner to exhaust the remedy under Section 29 of the PWDV Act.

Ld. advocate submits that this Court has got the jurisdiction to decide the matter and there are authorities available that empowers the High Court to invoke the jurisdiction under Section 482 of the Cr.P.C. in respect of the orders concerned.

Accordingly, I have invoked the jurisdiction of this Court under Section 482 of the Cr.P.C. The purpose of incorporation of Section 482 of the Cr.P.C. is to see that

there is no abuse of process of the Court and the same is subserved for the ends of justice.

The records of the case reflect that on 10.11.2022, the Id. JM, 9th Court, Alipore awarded Rs. 25,000/- per month to the wife and the minor daughter and gave effect to such order since 1.4.2019. The said order was in the nature of monetary relief for the existence/sustenance of the wife and the daughter.

Ld. Advocate could not produce any document to show that a farthing has been paid till date for almost last four years.

Having considered the grounds which has been shown and the attitude of the petitioner of neglecting the wife and the daughter, I am of the opinion that the same constitutes an economic abuse within the meaning of the provisions of the PWDV Act and, as such, no interference is made in respect of the continuation of the proceedings and the prayers so sought for are against the spirit of the legislation.

With the aforesaid observations, CRR 892 of 2023 is dismissed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)