

19.04.2023.
Court No.13
Item No. 19
ap

W.P.A. No. 7014 of 2023

**Rebati Mukherjee
Versus
The State of West Bengal & Ors.**

Mr. Samiran Giri.

...For the petitioner.

Mr. Banibrata Datta.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that the private respondents are harassing her husband, who is a senior citizen.
3. The report of the police indicates that FIR No. 433 of 2022 dated 2nd July, 2022 has been registered. Investigation into FIR No.433 of 2022 is still continuing.
4. Prior thereto, the petitioner had lodged a complaint against the private respondents that is registered as FIR No. 58 of 2017 dated 18th January, 2017. Investigation has been completed and charge-sheet being C.S. No. 88 of 2017 dated 27th February, 2017 under Sections 448/323/354/506/34 of the Indian Penal Code has been filed.
5. Further on the complaint of the private respondents, a proceeding is pending before the learned 5th Judicial Magistrate, Paschim Medinipur

against the petitioner's husband under Sections 323/325/354/506/34 of the Indian Penal Code. The said proceeding has not been interfered with by a Co-ordinate Bench of this Court in C.R.R. No. 734 of 2021. Likewise, W.P.A. No. 14771 of 2019 was instituted by the petitioner, where a Co-ordinate Bench of this Court on 7th August, 2019 held that the disputes between the petitioner and the private respondents are civil in nature.

6. This Court is, therefore, sees no inaction on the part of the police. The petitioner may seek any civil disputes before an appropriate civil forum in accordance with law.

7. The report of the Kotwali Police Station, Paschim Medinipur dated 28th March, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta filed in Court today be taken on record.

8. With the aforesaid observations, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. 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.)