

August 31, 2023
AD 267
Court No.14
SG

WPA 13910 of 2021

Barnali Das
vs.
The State of West Bengal and others

Mr. Kausik Biswas
... for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
... for the State

Mr. Sanat Kumar Das
... for the respondent Nos.6 to 8

A report filed on behalf of the State is taken on record. Copies of the same are handed over to learned advocates for the petitioner and the private respondents.

Learned counsel for the petitioner submits as follows. The representation of the petitioner dated 21.08.2021 was not considered by the respondent authorities. This compelled the petitioner to file the writ petition. The petitioner was tortured by her husband and her two children were taken away.

Learned advocate for the private respondent denies the allegations made in the writ petition. He submits that he has already filed an application for custody of the children under the Guardians and Wards Act.

Learned advocate for the State relies on the report and submits as follows. Pursuant to the representation made by the petitioner, an FIR was registered being Gazole Police Station Case No.116 dated 16.02.2021.

Subsequently a charge-sheet was submitted on 28.02.2021 under Sections 498A/34 of IPC and Sections 3/4 of D.P. Act.

It appears that the petitioner's grievance regarding non-registration of FIR has already been addressed. Even a charge-sheet has been filed.

For claiming custody of children, the parties are at liberty to file appropriate application under the Guardians and Wards Act, which the private respondent has already done.

No further order need be passed in this regard.

With the aforesaid observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]