

236 14.09.2023
NB Ct. 14

WPA 15829 of 2023

Debi Rani Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Soumya Nag,
Mr. Aditya Tiwari,
Mr. Ayan Sharma.
...for the petitioner.

Mr. Ansar Mondal, Id. AGP,
Mr. Sayan Datta.
...for the State.

Mr. Avishek Guha,
Ms. Akansha Chopra,
Ms. Debarati Das,
Ms. Ritika Pal.
...for the respondent no.5.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother in law of the private respondent. In 2017, the private respondent lodged her first FIR under Section 498A of the Penal Code. A final report was filed upon compromise. However, the petitioner was arrested in connection with the same. In 2022, the respondent no.5 lodged a second FIR, inter alia, under Section 498A of the Penal Code. A charge sheet has been submitted for the same. The daughter in law had been harassing and intimidating the petitioner and the aged father in law. She did not even stop at assaulting the parents in law. Earlier, the petitioner's son i.e., the husband of the private respondent had left the residence because of such disputes. The private

respondent has also initiated a proceeding under the provisions of Protection of Women from Domestic Violence Act. The private respondent is now preventing any relatives including the son and daughter of the petitioner and her friends from visiting the residential house. Several complaints were lodged with the police, but no action was taken.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. It is the private respondent who is always at the receiving end. That is why she was constrained to initiate the criminal proceedings. She contends that she had never prevented nor is going to prevent anyone connected to the petitioner from entering into the residential premises.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the private respondent two FIRs had been lodged. It also appears that the private respondent had initiated a proceeding under the Protection of Women from Domestic Violence Act. Whenever the petitioner called the local police station, those were attended to. However, since no cognizable offence is made out, no FIR was registered.

It is therefore admitted by the police authorities that on several occasions the petitioner had to call the police.

It is not understood whether the police had ever thought of initiating a proceeding under Section 107 of the Code.

Since the private respondent had submitted that she had never and is not preventing any of the relatives or friends of

the petitioner from entering into the residence, no further order need be passed in this regard.

If any untoward incident happens or is apprehended by the petitioner, she shall be at liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

Even Otherwise, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)