

07.08.2023
Item No.28
BR

WPA 17415 of 2023

Lata Sardar
-vs
State of West Bengal & Ors.

Mr. S.Sardar
.... For the petitioner

Mr. Suman Sengupta,
Mr. Sanatan Panja
.... For the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to protect the life and property of the petitioner and to record the complaint of the petitioner as an FIR.

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

Despite service no one appears on behalf of the private respondents.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the mother- in-law of the respondent no. 6 and the respondent nos. 7 and 8 are other relatives of the respondent no. 6. A marriage dispute had arisen between the petitioner's son and daughter-in-law. On 3.7.2023 the petitioner lodged a complaint making an allegation that the private respondents had assaulted her. She had to be treated at the local block medical office. Yet, no FIR was

registered although a cognizable offence was made out.

Learned advocate appearing for the State relies upon a report and submits there are several cases pending. The daughter-in-law had filed an FIR under Section 498A and a charge sheet submitted on the same. On 3.7.2023 the petitioner lodged a complaint and on the basis of the same specific FIR dated 22.7.2023 also was registered. The petitioner was examined under Section 164 of the Code and a notice under Section 41A was issued against the alleged accused.

I have heard learned counsels appearing for the parties and have perused the writ petition and the report filed by the State.

It appears that the prime grievance of the petitioner is the non-registration of any FIR on her complaint. But, a specific FIR has been registered and is being investigated into.

Therefore, no further order need be passed.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties as expeditiously as possible.

(Jay Sengupta)

