

22.08.2023

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W.P.A. 18176 of 2023

**Samprakta Basu Dhar
Vs.
The State of West Bengal & ors.**

Ms. Sohini Bhattacharya
... for the petitioner

Sk. Md. Galib
Mr. Dip Jyoti Chakraborty
... for the State

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of the Titagarh Police Station Case No.497 dated 20.07.2021 under Sections 498A and 496 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned Counsel for the petitioner submits as follows. The petitioner is the wife of the respondent no.7. The husband and the in-laws had been torturing the petitioner since after her marriage. Finally, the petitioner was compelled to file the instant F.I.R. being Titagarh Police Station Case No.497 dated 20.07.2021. Notices were issued under Section 41A of the Code of Criminal Procedure. All the other in-laws appeared in response to

the same, but the husband did not appear. The police did not take any step and thus, allowed the husband to go away scot free. It is now learnt that the husband is in the U.K. He is claiming to be the citizen of that country and has also filed a divorce suit there. Earlier an order was passed by this Court finding no inaction on the part of the Titagarh Police Station.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. A charge-sheet was submitted in the case on 16.5.2022 showing the husband as an absconder. However, till now only warrant of arrest had been issued against the husband, which remains unexecuted. Steps may be taken for invoking the provisions of Sections 82 and 83 of the Cr.P.C.

I have heard the submissions of the learned Counsels for the parties and have perused the petition and the report filed by the State.

It appears that all the grievances of the petitioner were taken into consideration by a coordinate Bench of this Court in its order dated 2.5.2023 passed in W.P.A.724 of 2022. It failed to find out inaction on the part of the Titagarh police authorities. However, direction was given to the Investigating Officer to pray for warrant of arrest and if necessary, to pray for issuance of proclamation and attachment.

The facts that the petitioner has now come to know about the petitioner's husband staying in England and filing a divorce suit do not alter the situation materially. Therefore, this is effectively a second writ petition on the selfsame grounds.

Therefore, no further order need be passed in the instant writ petition.

However, the police authorities shall comply with the directions passed at paragraph 4 of the order dated 2.5.2023 passed by this Court in W.P.A.724 of 2022.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)