

Court No. 14

WPA 19413 of 2023

14.09.2023

(AD 10)

(S. Banerjee)

Jyotsna Das

Vs.

The State of West Bengal & Ors.

Mr. Abhijit Sarkar

Mr. Raja Biswas

... for the petitioner

Mr. Asish Kumar Guha

Mr. Benazir Ahmed

... for the State

Mr. Kaushik Gupta

Ms. Aparna Basu Chowdhury

Ms. Srimoyee Mukherjee

... for the respondent nos. 4 and 7

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 appearing for the petitioner
submits as follows. The petitioner is a helpless woman
who has been unnecessarily and illegally threatened
and intimidated by the private respondents. The main
culprit is the respondent no. 5 who happens to be the
wife of the petitioner's brother-in-law. The respondents
have also assaulted the petitioner and her minor son.
On one occasion in 2018, the respondent no. 5 poured
hot water on the petitioner's nine-month-old son and
tried to kill him and he had to be hospitalized. But no

step was taken in this regard as the petitioner thought that the respondent would understand her mistake. However, such illegal acts have continued. In spite of making a complaint before the police authorities, no steps have been taken.

Learned counsel representing the private respondents submits as follows: The allegations made in the writ petition are denied. Admittedly in the year 2020 the respondent no. 5 had instituted an FIR under Section 498A and 34 of the Indian Penal Code against the petitioner's young brother. Thereafter she even claimed maintenance under Section 125 of the Code. The present complaint is only a counter-blast against this complaint.

Learned counsel appearing on behalf of the State relies on the report and submits as follows: An FIR, being Kotwali Police Station case no. 650 dated 06.09.2020 under Section 498A of the Penal Code was registered at the instance of the respondent no. 5. A charge-sheet has been submitted in the same. The police have also acted on the complaint filed by the present petitioner and Kotwali Policed Station case no. 803 dated 24.08.2023 under Sections 341, 325 and 34 of the Penal Code has been registered and is being investigated. During investigation notices were given

under Section 41A of the Code to the FIR-named accused.

It appears that there are long standing disputes between the private parties.

However, the police have already taken action by registering an FIR on the complaint of the petitioner.

If the petitioner is aggrieved with the outcome of the same, she shall be at liberty to take appropriate steps once a report in final form is filed.

No further order need be passed in this regard.

As affidavits are not called for, the allegations are deemed not to have been admitted.

With these observations this writ petition is disposed of.

Urgent certified copy of this order be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)