

September 18, 2023
AD 17
Court No.14
SG

WPA 19819 of 2023

Jamini Dey
vs
State of West Bengal and others

Mr. Debapriya Mitra
Mr. Supriyo Ghosh
Ms. Susmita Adhikari
... for the petitioner

Mr. Ashim Kumar Ganguly
Ms. Jyotsna Roy Mukherjee
... for the State

Mr. S. Mukherjee
... for the respondent No.4

Learned advocate for the petitioner submits as follows. The petitioner is the wife of the respondent No.4. Although the couple were married nearly four decades. The petitioner was tortured by her husband. Now being unable to bear any other atrocities of the respondent No.4, the petitioner was compelled to lodge a complaint before the police authorities which has not been acted upon.

Learned advocate for the respondent No.4 submits as follows. The respondent No.4 is about 79 years old and the wife is about 70 years old. They have two daughters. Now the petitioner is staying with her younger daughter who wants to grab the property of the respondent No.4. In fact, the private respondent has been ousted from his own property. No prima facie case is made out.

Learned advocate for the State submits that it is purely a dispute between elderly couple which is not making a cognizable offence. If the petitioner still thinks that her complaint makes out a cognizable case, she can make a complaint before the Superintendent of Police, failing which she can approach learned Magistrate in terms of Section 156(3) of the Code.

No further order need be passed in this regard.

Accordingly, the writ petition is disposed of without any order as to costs.

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

[Jay Sengupta, J.]