

22 15.09.2023
NB Ct. 14

WPA 20347 of 2023

Dipali Pakhira
Vs.
The State of West Bengal & Ors.

Mr. Subhashish Pachhal,
Mr. Abhishek Chakraborty.
...for the petitioner.

Mr. Suman Ghosh, Sr. Adv.,
Ms. Munmun Tewari.
...for the State.

Mr. Sanjib Seth.
...for the respondent no.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.

A copy of the FIR dated 27.06.2023 filed on behalf of the respondent no.7 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a 68 years old lady. She is the mother of the respondent no.6 and the mother in law of the respondent no.7. She is the owner of the property in question where all the private respondents reside. Of late, the private respondents have been disturbing the peaceful possession of the petitioner in respect of such property. They have been harassing and intimidating the petitioner in order to grab the entire property. The petitioner has been constrained to file a complaint before the local police station. But, no steps were taken.

Learned counsel appearing on behalf of the respondent no.7, the daughter in law submits as follows. The allegations made in the writ petition are denied. It is the respondent no.7 who was always at the receiving end. She was tortured by her husband. This prompted her to lodge an FIR being Bally PS Case No.66 of 2023 dated 27.06.2023 under Section 498A of the Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against her husband. The present writ petition is a collusive application between the petitioner and the other private respondent.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is an existing dispute between the private parties. However, on the complaint of the petitioner, the police authorities started a specific case being Bally PS Case No.112 of 2023 dated 31.08.2023 under Sections 341, 323, 506 and 34 of the Penal Code and Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Investigating Officer wanted to contact the petitioner, but she was not available for enquiry.

It appears that there are existing disputes between the private parties.

Earlier, the daughter in law lodged an FIR, inter alia, under Section 498A of the Penal Code against her husband.

However, the police authorities also act on the complaint of the petitioner and have started a specific FIR.

Let the petitioner cooperate with the investigation of the case.

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

If any untoward incident happens or is apprehended by any one of the private parties, they shall be at liberty to intimate the Officer-in-Charge of the local police station about the same, who shall then act in accordance with law.

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.)