

27.04.2023
Court No.13
Item No.289
AP

WPA 21084 of 2022

**Brahmananda Bijali
Vs.
The State of West Bengal & Ors.**

Ms. Sreyanshi Majumdar
....for the Petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan
....for the State.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Mr. Sibojyoti Chakraborti
Ms. Riya Ghosh
....for the Private Respondent.

1. The petitioner submits that he is being tortured by the private respondent and his wife. The petitioner has approached the Maintenance Tribunal under the Senior Citizens Act. The property has been gifted to the private respondent, which, according to the petitioner was obtained under coercion.

2. The Tribunal has not found favour with the petitioner's case, of being coerced into executing the gift deed. However, maintenance of Rs.4,000/- has been ordered, which is being paid by the private respondent to the petitioner. The petitioner claims that the private respondent is not paying on time.

3. Counsel for the private respondent submits that he is paying the maintenance ordered by the Tribunal and bills for gas and electricity of the premises.

4. On the complaint of the wife of the private respondent a FIR being Bansdroni Police Station Case No.24 dated 2nd February, 2023 under sections 498A, 506, 509, 406 of the IPC read with sections 3 & 4 of the DP Act has been registered.

5. Counsel for the private respondent submits that section 498A of the IPC ought not to have been included and the private respondent's wife has filed a curative petition before the magistrate.

6. Hence, Section 498A of the IPC shall stand deleted from the FIR.

7. In that view of the matter, leaving remedies open to both the petitioner and the private respondent in accordance with law, the writ petition shall stand disposed of.

8. Bansdroni Police shall, however, ensure that the petitioner is not disturbed by the private respondent or his wife.

9. There shall be no order as to costs.

10. Report of the Officer-in-Charge, Bansdroni Police Station dated 25th April, 2023 is taken on record.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)