

173 16.10.2023
NB Ct. 14

WPA 22861 of 2023

Ashis Kumar Mal
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Raju Mondal.
...for the petitioner.

Ms. Sweta Mukherjee.
...for the respondent no.4.

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

Notice of intimation served upon the other side, as filed by the petitioner is also taken on record.

No one appears on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondent is the wife of the petitioner. After 40 years of marriage, there was a dispute between the two. The private respondent has filed a criminal case, inter alia, under Section 498A of the Penal Code. she is also creating disturbances at the shop room of the petitioner. That is why police protection is required.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. The shop room does not even belong to the petitioner. It belongs to her mother.

The matter is purely a family dispute between an elderly couple.

If, any of the parties is aggrieved with the acts done upon the other and believe that they can make out a cognizable

case, he/she shall be at liberty to act in terms of the decision in the case of ***Aleque Padamsee's*** Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

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

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.)