

01.02.2023
Court No.13
Item No.37
pk

WPA 28734 of 2022

**Maya Rani Saha
Vs.
State of West Bengal & Ors.**

Mr. Bibek Chatterjee,
Mr. Tanmoy Chakraborty,
Ms. Susmita Saha,
Ms. M Mukherjee

...for the petitioner.

Mr. Prokash Chandra Mondal,
Mr. Dinesh Chandra Mondal

... for the respondent nos. 5 and 6.

The petitioner complains that the private respondents/son and daughter-in-law have been torturing her. The petitioner resides in a premises which stands in the name of her late husband. The private respondents have a separate premises at 267, Hari Sava Math, Kolkata-700070.

The O. C., Netaji Nagar Police Station has filed a report dated 31.01.2023 and the same is taken on record. It appears from the report that on the allegation of assault of the petitioner by the private respondents, FIR was registered and Charge Sheet No. 256 of 2017 dated 29.12.2017 had been filed by the police.

It further appears from the writ petition that the Judicial Magistrate, 6th Court, Alipore has ordered protection and maintenance to the writ petitioner under the provisions of Section 24 of the D.V. Act. The said order has been confirmed and an appeal there against being Criminal Appeal No. 280 of 2019 has been dismissed by

the Additional District and Sessions Judge, 9th Court at Alipore on 16th July, 2022.

The private respondents, in turn, have filed a complaint against the petitioner that has been registered as FIR No. 419 of 2019 dated 16 November, 2019.

Given the bitter acrimony between the petitioner and the private respondents and the fact that the private respondents have a separate residence at Bansdroni, the O. C., Netaji Nagar Police Station shall escort the private respondents out of the residence. Any right of the private respondents in the said residence may be agitated before the civil forum.

The O. C., Netaji Nagar Police Station shall carry out the aforesaid order immediately.

The writ petition is disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)