

Item No.36
29.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2782 of 2023

Sri Narendra Kumar Subba & Anr.
VS
The State of West Bengal & Ors.

*Mr. Sudipta Mazumder,
Mr. Subhankar Dutta*

...for the Petitioners.

*Mr. Pretom Das,
Mr. Sumit Kumar,
Mr. Sourav Sarkar*

...for the State.

The petitioners have alleged that the police authorities of Matigara Police Station have failed and neglected to take steps on the basis of the complaint lodged by the petitioners against one Binod Chhetri.

Mr. Das, learned advocate for the police authorities submits that the Binod Chhetri is the erstwhile husband of the petitioner no.2. The couple got divorced. The petitioner no.2 alleges that her ex husband is using her car and not returning the same. No cognizable offence has been made out.

Mr. Mazumder, learned senior advocate appearing on behalf of the petitioners submits that the petitioner no.2 is a helpless lady and her husband has forcefully taken the car from the custody of the petitioner no.2. She

has no other alternative remedy, but to approach the police authorities for investigation.

This Court finds that the dispute is between an estranged couple, who are legally divorced.

The petitioners have the alternative remedy to approach the learned magistrate under Section 156(3) of the Code of Criminal Procedure in accordance with law, if the police authorities fail to take steps.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)