

S/L 14
29.01.2024
Court No.14
SD

WPA 1348 of 2024

Smt. Krishna Koyal
Vs.
The State of West Bengal & Ors.

Mr. K.C. Das
Mr. S. Ali

...for the Petitioner.

Mr. Wasim Ahmed
Md. Sehabuddin

...for the State.

Mr. Uday Narayan Betal

...for the Respondent Nos.6-7.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and her husband are the owners of the property in question. The private respondents were preventing the petitioner from returning to their own house. After the writ petition was filed, the petitioner and her other family members were allowed to enter their home but the petitioner's husband has not been allowed to enter the residence. The private respondents are claiming that the petitioner's husband owes them some money. But, that cannot be a reason for not allowing the petitioner or her family members to return home. It was only after the petitioner approached this Court with a writ petition that an FIR has been lodged in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegation made in the writ petition are denied. The private respondents are not preventing anyone, far less the husband of the petitioner

from returning to their own residence. Actually, this is a ploy to deter the private respondents from pursuing their claim of money against the petitioner's husband. In fact, a cheque was given by the petitioner's husband in this regard. The private respondents have already complied with the notice under Section 41A of the Code.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, Bhagwanpur P.S. Case No.23/2024 dated 21.01.2024 under Sections 342, 427, 447, 506, 34 of the IPC. Notice under Section 41A of the Code was given to all the FIR named accused. The police authorities are keeping a close watch on the developments in the locality.

Even if the husband of the petitioner owes any money to the private respondents, the latter do not have any right to prevent the said husband of the petitioner from returning home. However, fortunately, the private respondents deny that they have put any pressure on the petitioner or her family members not to return home.

It also appears that police have now taken steps on the complaint of the petitioner by registering an FIR.

Therefore, 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 harm is done to the petitioner and her family members. The surveillance shall include frequent visits by police patrol.

With these observations, WPA 1348 of 2024 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)