

37 09.04.2024
NB Ct. 14

WPA 1532 of 2024

Sabita Biswas & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Pal,
Ms. Tithi Chakraborty.
...for the petitioners.

Ms. Sima Adhikari,
Ms. Kakali Naskar.
...for the State.

Mr. Amlan Biswas.
...for the respondent no.5

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

Vakalatnama filed on behalf of the respondent no.5 is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the wife and the petitioner no.2 is the son of the respondent no.5. The respondent no.5 had been inflicting torture upon the petitioner no.1 for quite some time. She was constrained to initiate a proceeding under the Protection of Women from Domestic Violence Act. By an order dated 30.03.2023, the learned Judicial Magistrate, 2nd Court, Barrackpore, inter alia, restrained the respondent from committing any act of domestic violence upon the petitioner no.1 and to pay certain sum of money as maintenance. In spite of this, the private respondent continued to commit torture upon the petitioners. He would often cut off the electricity and water supply to the room where the

petitioners reside. After filing of the writ petition, the supply have been restored with a warning that unless the writ petition is withdrawn, the supply would again be cut off.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The respondent no.5 is an eighty-year-old man. The couple got married in 1976. The house is owned by him. The private respondent is not violating any order passed by any Court of law. It is not possible to disconnect the electricity and water supply to a particular room in the house where all of them are residing.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. In 2022, the petitioner no.1 had lodged a complaint, inter alia, under Section 498A of the Penal Code. An FIR was registered and a charge sheet submitted in 2023. Thereafter, an order was passed under the provisions of Protection of Women from Domestic Violence Act. Civil disputes are also pending between the private parties. Again in 2023, the petitioner no.1 lodged another FIR, which too ended in a charge sheet.

It appears that there are some family disputes between the private parties. However, an order passed by the Judicial Magistrate is also there in favour of the petitioners under the provisions of Protection of Women from Domestic Violence Act.

It also appears that the police had already taken steps by initiating FIRs and submitting charge sheets.

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 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.)