

S/L 6
30.01.2024
Court No.14
SD

WPA 1880 of 2024

Prabir Gayen
Vs.
State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
Ms. Iqra Rahaman

...for the Petitioner.

Mr. Suman Sengupta
Mr. Sambuddha Dutta
Mr. Sanatan Panja

...for the State.

Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick

...for the Respondent Nos.4-17, 27-28.

Mr. Bapin Baidya

...for the Respondent No.23.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a school teacher and is the husband of the respondent no.4. They have got a minor child. For sometime, the private respondent no.4 and her relatives had been torturing the petitioner. The respondent no.4 has also got involved in an illicit relationship with the respondent no.27, a police personnel of the Kolkata Police. This would be revealed by the private chats, copies of which are appended to the writ petition. On 07.01.2024 the private respondent no.4 and her relatives severely assaulted the petitioner after tying his hands from the behind. There are videos to bear out the same. In spite of making complaint

before the police authorities, no steps have been taken. Out of fear the petitioner is unable to go either to his residence or to his place of work which is near his residence.

Learned counsel appearing on behalf of the respondent nos.4 to 17, 27 and 28 relies a copy of an FIR in Diamond Harbour P.S. Case No.16 dated 07.01.2024 and on a injury report of the respondent no.4 dated 07.01.2024. He further submits that the petitioner had been torturing not just the respondent no.4, but also their minor girl for quite some time. GD entries have been lodged in this regard. In the night of 06.01.2024, the private respondent no.4 was severely assaulted and driven out. This led to an altercation between the private parties on the next date, that is, on 07.01.2024. The petitioner had installed CCTV camera even in their bed room and the same used to be watched by his brother. He did not even spare his minor daughter from assaults. Once he had pressed the neck of such minor child with his foot. On the complaint of the private respondents, Maidan Bazar P.S. Case No.16/24 dated 07.01.2024 under Sections 498A, 406 of the IPC and Section 4 of the Dowry Prohibition Act. However, other serious charges were not incorporated by the police in the FIR. Moreover, the private respondents have not obstructed the petitioner from either going to his work place or residence and would not do so in future.

Learned counsel appearing on behalf of the respondent no.23 submits that his client is not at all

connected with the dispute between the husband and wife. His name may be expunged from the cause title.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There were allegations of torture committed by the petitioner on the private respondent/wife and GD entries were lodged over the same. A proceeding was also initiated under Section 107 of the Code against the private respondents on the subsequent complaint of the petitioner. As regards the allegation of illicit relationship between the wife of the petitioner and the private respondent no.27, nothing could be established during enquiry. However, the private respondent no.4 had admitted a friendship with the said person for the last few months.

Although there have been a great deal of mud-slinging between the couple at the time of hearing of the writ petition, the police report does not make out any ominous situation that could prompt the petitioner to seek police help for going to his work place or even to his residence.

It is for the private parties to resolve their family dispute.

However, if any of the actions of either of the parties make out cognizable offences, the affected party shall be at liberty to approach the police for registration of FIR and in the event the same is registered, the police will take them to their logical conclusion as in the case of the FIR that has already been registered.

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.

In view of the submissions made on behalf of the respondent no.23, his name is expunged from the cause title.

With these observations, WPA 1880 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.)