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WPA 4127 of 2024

Sumita Das
-vs-
The State of West Bengal & ors.

Mr. Pronojit roy
Mr. Arindom Bit
..for the petitioner
Ms. Sutanuka Chowdhury
...for the private respondent nos. 5 & 6

Mr. Rajarshi Basu
Mr. S. T. Mina
...for the State

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

Vakalatnam filed on behalf of the respondent nos. 5 and 6 are 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 an aged lady. She resides at her matrimonial home with her younger son. The private respondents are the husband and the elder son of the petitioner. For quite some time, the private respondents have been torturing the petitioner. The petitioner was constrained to file a proceeding under the Protection of Women from Domestic Violence Act. A final order was

passed granting the petitioner compensation as well as residence at the first floor of the shared household in question. After this, the gravity of torture only increased. For execution of the order, an execution case has been filed, which is pending. Police have not taken any steps regarding the petitioner's grievances.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that since an execution case has already been filed and is pending, this Court ought not interfere with the matter.

Learned counsel for the State relies on the report and submits that on the allegations of the petitioner, a specific FIR being Baruipur Police Station Case No. 286 dated 27.02.2024 under Sections 489A, 323, 354, 506 and 34 of the Indian Penal Code has been started.

It appears that a dispute exists between the private parties who are the family members.

It is indeed an unfortunate case where an aged lady come before this Court praying for relief not only against her own husband, but also against a son of hers.

In spite of an order having been passed in the petitioner's favour under the provision of the Protection of Women from Domestic Violence Act, she has not been granted any relief and the only submission that the private respondent nos. 5 and 6 can make before this Court is that an alternative remedy is pending.

Fortunately, the police have taken steps on the

complaint of the petitioner by registering an FIR.

Let the investigation of the case be concluded expeditiously and in accordance with law.

The Executing Court is requested to conclude the execution proceeding in respect of the order passed under the Protection of Women from Domestic Violence Act as expeditiously as possible and without granting any unnecessary adjournment to any of the parties, preferably within a period of three months from the next date of hearing.

The police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Court is violated.

If any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to contact the Inspector in Charge of the local police station who shall then act in accordance with law.

With these observations, the writ petition 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.)