

02.12.2024
Item No.65
Ct. No.35
sdas

W.P.A. 19676 of 2024

**Jhuma Dey
versus
The State of West Bengal & Ors.**

Mr. Mohinoor Rahaman
Mr. Iqra Rahaman
... for the Petitioner.

Mr. Amal Kumar Sen, learned AGP
Mr. Lal Mohan Basu
... for the State.

Petitioner is aggrieved on two counts. Firstly that she and her daughter were thrown away and when they went to the police station police authorities after taking them to a particular room assaulted both the petitioner and her daughter.

Learned Counsel for the petitioner submits in view of the police authorities having been involved there is no scope for the petitioner to get justice from the concerned police station who are involved in the incident.

Learned Counsel for the State has submitted a report. Let the report be kept on record. Copy of the report be handed over to the learned Counsel for the petitioner.

Report reflects that enquiry was made and disputes and differences cropped up between the landlord and tenant for which Sonarpur PS GDE No. 584 dated 07.05.2023 was registered. However, accusation against the lady sub inspector according to the inspector-in-charge could not be fixed.

Since accusation of the present petitioner is in respect of public servant along with others and as there has been a new provision incorporated under the provisions of Section 175(4) of the BNSS, 2023, I direct that the petitioner would take out an appropriate application under the relevant Section detailing her grievances before the jurisdictional Magistrate.

Jurisdictional Magistrate will comply with the requisites before exercising his discretion under the relevant provisions of law.

In the meantime if there is any disputes and differences or if there is any possibility of breach of peace or tranquillity then police authorities would ensure that the same be prevented.

With the aforesaid observations, the writ petition being WPA 19676 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)