

Court No. 6

(265940)

05.10.2024

(AD 33)

(S. Banerjee)

CRR 3644 of 2024

Manju Khan

Versus

Oliva Polley

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

... for the petitioner

The petitioner contends that she is the aunt-in-law of the OP no. 1 housewife. She contends that she did not reside with the OP no. 2 in the shared household. No overt act of domestic violence is alleged against her.

A prayer for quashing of a proceeding under the Protection of Women under Domestic Violence Act, 2005 (referred to as 'PWVD Act') is to be adjudged on the basis of uncontroverted allegations in the petition. Perusal of the averments in the petition shows the petitioner used to reside at the matrimonial home with opposite party no. 1. In paragraph 8 of the said petition it is alleged that the petitioner and other in-laws inflicted torture upon her. Domestic incident report supports the said allegations.

Given these materials on record, this court is of the opinion that there is no jurisdictional error in entertaining the proceeding against the petitioner.

It is open to the petitioner to agitate her defense before the Magistrate in accordance with law.

With the above observation, CRR 3644 of 2024 is disposed of.

(Joymalya Bagchi, J.)