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18.01.2024
ssi

Ct. 14

WPA 22151 of 2023

Anurupa Mondal & anr.

-vs-

The State of West Bengal & ors.

Mr. Habibur Rahaman

Mr. Maidul Islam Khayal

Ms. Jasika Alam

Mr. Archisman Singh

Mr. Md. Anas

Mr. Sumit Naskar

...for the petitioners

Mr. Sounak Bhattacharya

Mr. Sounak Mondal

...for the respondent no.7

Mr. Santanu Kumar Mitra

Mr. Abhishek Banerjee

....for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents in law of the respondent no.7. The respondent no.7 had been torturing the petitioners for quite some time now. They were prevented from using their toilet. She would bring a large number of relatives and friends and create disturbance in the residence. The daughter in law had earlier lodged a complaint inter alia under Sections 498A, 406 and 307 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The petitioners have been acquitted in the said case. By an order dated 19.01.2023 passed by a Co-ordinate Bench of this Court in WPA 25384 of 2022, the petitioners were granted liberty to construct another toilet in accordance with law in the said premises. The private

respondent daughter in law was allowed to reside the premises along with her minor daughter and was directed not to bring any relatives and friends inside the house. In spite of this, the private respondent had been bringing her relatives and friends inside the house and creating disturbance. On one occasion, she assaulted the petitioners. This led to the fracture of the right hand of the petitioner no.2. A Criminal Case was started, which is pending. The petitioners are ready to bear the expenses for the stay of the private respondent and her minor daughter elsewhere.

Learned counsel appearing on behalf of the private respondent no.7 submits as follows. The allegations made in the writ petition are denied. The husband had deserted the private respondent and her minor daughter. They have no other place to stay except at her matrimonial house. It is the daughter in law who is actually at the receiving end of all torture. She had not committed any assault and had not brought her friends and relatives inside the house. She would also not do so in future.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the police have always taken steps whenever any complaint came to them.

Let there be a strict compliance of the order dated 19.01.2023 passed by the Co-ordinate Bench of this Court in WPA 25384 of 2022. Any breach of the same would entitle the affected party to move an appropriate application.

Fortunately the private respondent has submitted that

she would not bring any relatives or friends inside the house or create any disturbance.

It also appears that the police have taken steps whenever any complaint was made to them.

Therefore, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to call up the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)