

M/L37
04.11.2024
Bpg.
ct.no.35

W.P.A.23455 of 2024

**Sunil Dey & Anr.
Versus
The State of West Bengal & Ors.**

Ms. Jeenia Rudra.
...for the petitioners.

Mr. Somnath Ganguli
Ms. Kalpita Paul.
...for the State-respondents.

Mr. Karan Dudhwewala.
...for the respondent no.6.

Affidavit-of-service so filed by the petitioners
be kept with the record.

Learned advocate for the petitioners submits
that the private respondents were allowed to stay and
thereafter they are enjoying the property and
threatening the petitioners.

Learned advocate for the State has submitted
a report. Let the report be kept with the record.
Report reflects that the respondent no.6 initiated a
case being Bansdrani Police Station Case No.183
dated 03.07.2023. Subsequently, the present
petitioner no.1, namely, Sunil Dey and the petitioner
no.2, namely, Bela Dey approached Bansdrani Police
Station and submitted a letter on 19.05.2023.

Admittedly, there is a matrimonial
relationship and there is a criminal case pending.

Learned advocate for the private respondent no.6 submits that a case under the provisions of PWDV Act, 2005 is pending before the jurisdictional court and appropriate prayers have been advanced which are pending adjudication by the said court.

Be that as it may, if the police authorities have failed to act on the representation made by the petitioners, in that case, having regard to the nature of the accusations made, the petitioners would be at liberty to approach the jurisdictional criminal court by way of taking out an appropriate application under Section 175 or under Section 223 of the BNSS 2024. No interference is called for at this stage for invoking the jurisdiction under Article 226 of the Constitution of India.

With the aforesaid observations, WPA 23455 of 2024 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)