

M/L120
03.12.2024
Bpg.
ct.no.35

W.P.A.24977 of 2024

Smt. Payal Deb (Nee De Sarkar)
Versus
The State of West Bengal & Ors.

Mr. Sarbesh Pal.
...for the petitioner.

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

Mr. Sourav Mondal
Mr. Arijit Bhuiya.
...for the private respondents.

Petitioner is aggrieved by the fact that in a matrimonial home after the order passed on 6.2.2020 in Misc. Case No.40 of 2019 by the learned Judicial Magistrate, Baruipur, she is facing torture and domestic violence at the hands of the in-laws.

In view of the petitioner having already approached the jurisdictional Magistrate under Section 12 of the PWDV Act, I direct that the grievances expressed in the writ petition be brought to the notice of the learned Judicial Magistrate, Baruipur. Learned Judicial Magistrate, Baruipur in Misc. Case No.40 of 2019 will consider the nature of torture inflicted upon the present petitioner and pass necessary orders under the relevant provisions of PWDV Act, 2005.

Learned advocate for the private respondents disputes and denies the contentions including the accusations made in the writ petition.

Learned advocate for the State also submits that having considered that there is a matrimonial dispute, the police authorities and the State authorities have hardly any role to play.

In case the learned Magistrate is of the opinion in the proceedings under PWDV Act that any police assistance is required, the concerned police authorities will respect and obey the order of the learned Magistrate and provide necessary assistance.

With the aforesaid observations, WPA 24977 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.)