

02.01.2024
rc/ct.no.14
Item No.36

WPA No. 24211 of 2023
Rustana Begum Molla
Versus
The State of West Bengal & Ors.

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh ...for the petitioner

Mr. K.J.Yousuf
Mrs. Rupsa Chakraborty ...for the State

Mr. Anindya Bose
Mr. Golam Mohiuddin
Ms. Puja Mondal ...for the respondent no. 8

Mr. Subhojit Mukherjee
...for the respondent nos. 10 & 11

Affidavit of service filed by the petitioner and report filed by the State respondents are taken on record.

Learned counsel for the petitioner states as follows. The petitioner is the wife of the respondent no. 8. The other private respondents are the accomplices of the respondent no. 8. The petitioner and the respondent no. 8 had purchased a property. Thereafter matrimonial dispute arose between the petitioner and the respondent no. 8 and the petitioner was tortured and driven out of the matrimonial home. Afterwards the petitioner came to know that the property belonged jointly to the petitioner and the respondent no. 8 was sold away by the respondent no. 8 with the aid of the other respondents by forging the petitioner's signature. She filed an FIR, which is not being investigated properly.

Learned counsel for the respondent no. 8 states as follows. The allegations made in the writ petition are denied. The property was sold by the petitioner by a registered deed. Earlier another proceeding was initiated by the petitioner, but the same was dropped. The present proceeding has been challenged before this Court in an application under Section 482 of the Code of Criminal Procedure in CRR No. 4268 of 2023. A coordinate Bench of this Court directed the matter would come up as “Contested Application”.

Learned counsel for the State respondents relies on a report and submits as follows. Two criminal cases have been started from the side of either of the parties being Uluberia PS Case No. 141 of 2023 and Uluberia PS Case No. 193 of 2023. Both are being investigated.

Since both the parties have filed their respective FIR against each other in respect of the dispute at hand, let the Investigating Agency take these cases to their logical conclusion. However, this will subject to any order passed in the criminal revision preferred by the private respondents.

No further order need be passed in this regard.

With the above observations and directions this writ petition is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Jay Sengupta,J)