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Court no. 14
04.01.2024
D.Hira

W.P.A. 24437 of 2023

**Abul Basar Molla
-versus
The State of West Bengal & Ors.**

**Mr. Bibaswan Bhattacharya,
Mr. Karran Bapuli.
... for the petitioner**

**Mr. Gouranga Kumar Das.
... for the private respondents**

**Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Subrata Guha Biswas.
... for the State**

Affidavit-of-service filed on behalf of the petitioner in Court today is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel on behalf of the petitioner submits as follows. The petitioner is the father-in-law of the respondent no. 10. The other private respondents are her relatives. The respondent no. 10 had lodged a false FIR, inter alia, under Section 498A of the Indian Penal Code. Thereafter, the petitioner and his family members have been subjected to torture by the private respondents. On one occasion, while coming out of the concerned Court the petitioner was abducted by the private respondents and kept confined demanding ransom. The entire incident was video-graphed and circulated on social media. He could somehow extricate himself from their clutches. A complaint was made before the police authorities but no action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in

the writ petition are denied. This is a counter-blast against a proceeding initiated by the respondent no. 10 under Section 498A of the Penal Code.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner a proceeding was initiated under Section 107 of the Code. Earlier another writ petition filed by the petitioner was disposed of as his grievance was redressed.

It appears that a dispute exists between the private parties.

Let the case registered at the behest of the respondent no. 10 be taken to its logical conclusion.

If the petitioner believes that a cognizable case is made out on the complaints made by him before the police and not acted upon, he shall be at liberty to proceed in terms of the ratio laid down in **Aleque Padamsee's case (2007) 6 SCC 171**.

However, the police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by the police patrol.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)