

WPA 25713 of 2023

Kaushik Bhattacharjee
-vs-
The State of West Bengal & ors.

Mr. Amitabha Shah
Mr. Sk. Ainul
...for the petitioner
Mr. K. J. Yusuf
Mr. Parikshit Goswami
...for the State
Mr. Mrityunjoy Halder
Mr. Sukhen Bag
...for the private respondent no.5

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the private respondent. The private respondent had been disturbing the petitioner and had abused the process of Court by lodging two false FIRs under Section 498A of the Penal Code. She is hand in gloves with the police personnel who are now threatening the petitioner by calling him at the police station and asking him to pay money to the wife and get a divorce.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits that she had

been at the receiving end of all the torture committed by the petitioner.

Learned counsel for the State relies on the report and submits as follows. The police have already acted as per law on the complaints of the wife by registering an FIR. The representation made by the husband does not make out any cognizable case. So, no FIR could be registered on the same. The allegations of police over action is denied.

If the petitioner believes that a cognizable case is made out in his complaint, he shall be at liberty to proceed in terms of the direction passed in Aleque Padamsee's Case, (2007) 6 SCC 171.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)