

Sl.No.
153 25.02.2025

Court
No. 35

G.S.Das

WPA 3146 of 2025

Srilal Gupta
-Vs-
The State of West Bengal & Ors.

Mr. Sanat Kumar Roy
Mr. Baidurya Ghosal
... for the Petitioner(s)

Ms. Jhuma Chakraborty, Id. Sr. Adv.
Ms. Munmun Tewari
... for the State - respondent(s)

The petitioner is aggrieved by the fact that he has filed a maintenance application since he has been subjected to both physical torture and financial abuse at the hands of the private respondent nos. 4 to 7 who happen to be his four sons.

To that effect, a proceeding has been initiated under Section 125 of the Cr.P.C. There is an order of maintenance which has been awarded in respect of each of the sons. However, since the said respondents (his four sons) are not

paying, execution case(s) have been filed. However, in spite of distress warrant being issued, the petitioner is not receiving a single farthing till date.

It has further been alleged that after filing of the application under Section 125 of the Cr.P.C. and the orders being passed, the four sons have increased their torture and, presently, the state of the petitioner is such that he is unable to stay at his own residence. The petitioner prays for police protection for staying at his own residence.

State has submitted a report which reflects that the police authorities have executed distress warrant, prepared seizure list and a report was submitted before the jurisdictional court as also an enquiry was conducted in respect of the physical assault inflicted upon the petitioner.

On an enquiry, according to the

police authorities, no incident of physical assault has been inflicted surfaced, as no witness spoke in respect of any physical assault. However, there were quarrel in respect of the issues relating to maintenance which were evident in course of the enquiry.

Additionally, it has been contended in the report that the petitioner could not produce any medical documents in support of his claim that he has been subjected to physical torture.

I have considered the submissions of the petitioner as well as State and I find that there is a dispute between the petitioner who happens to be the father and the private respondents who are his four sons. The learned Judicial Magistrate, 5th Court, Asansol, Paschim Bardhaman is already *in seisin* of Misc. Ex. Case No. 164 of 2023 and the said court would put in efforts for the financial abuse which the petitioner is being subjected to and

pass necessary directions and/or take recourse to harsher process of law to be executed by the police authorities.

So far as the issue relating to physical assault is concerned, the police authorities have failed to unearth any evidence in support of such claim.

Under such circumstances, the petitioner would be at liberty to approach the jurisdictional Magistrate with specific prayer(s).

The police authorities are directed to keep a strict vigil for a period of 15 days so that the petitioner cannot claim that he has been subjected to any physical torture.

In case, there is any complaint of the petitioner being subjected to harassment and/or he being heckled which has been blown out of proportion, the police authorities would not deter from reregistering a proper case.

In the meantime, the petitioner would be at liberty to approach the Tribunal under the relevant provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Any order and/or direction passed by the concerned Tribunal/authority would be respected, obeyed and implemented by the police authorities.

With the aforesaid observations, WPA 3146 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

