

03.03.2025
Court No. 35

Item No.19
Rakib

W.P.A. 3752 of 2025

Sirajul Islam Molla.
VS
The State of West Bengal & Ors.

Mr. Md. Shehjahan Hossain,
Mr. Prithwiraj Biswas.
... for the Petitioner.
Ms. Sonal Sinha, Ld. AGP.,
Ms. Tuli Sinha.
... for the State.

Petitioner claims that he is not being allowed to enter his own residence at the behest of his wife. To that extent he has complained to the police authorities, instituted a proceeding under Section 144(2) of the Code of Criminal Procedure and there is also a Title Suit pending being T.S. No. 529 of 2023. The petitioner's prayer before this Court are for registration of FIR, rendering police help for protection of the petitioner and his family members and there is no breach of peace at the behest of the private respondent nos. 7 to 10.

State has submitted a report. I find that already a case under Section 498A/323/34 of the Indian Penal Code has been registered being Hasnabad PS Case no. 73/22. There is a marital dispute and discord already existing between the petitioner and one of the private respondents.

Having regard to that a Title Suit is already pending and the Civil Court is in siesin of the matter, as such so far as the rights for entering the residence is

concerned as prayed for in course of hearing of the writ petition, I am of the view that the petitioner should seek for appropriate relief before the Civil Court already in siesin of the case.

With the aforesaid observations, WPA 3752 of 2025 is disposed of.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate for the petitioner.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)