

D/L 43
16.04.2025
Bpg.
ct.no.35

W.P.A. 6968 of 2025

**Smt. Rumpa Saha
Versus
The State of West Bengal & Ors.**

Mr. Kalyan Kumar Chakraborty
Mr. Gopal Krishna Sarkar
Mr. Kashinath Bhattacharjee.
...for the petitioner.

Mr. Ansar Mandal
Mr. Tanweer J. Mandal.
...for the State-respondents.

Mr. Biswajit Tiwari.
...for the respondent no.6.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the inaction of the police authorities as in spite of informing regarding the continuous harassment and abuse faced by her pursuant to the death of her husband at the behest of the private respondent no.6, no action has been taken by the police authorities. Additionally, it has been submitted that the private respondent no.6 and his family members are regularly creating day-to-day hazard and with an evil motive are trying to grab the property of the petitioner. In spite of such physical and mental torture being reported to the police authorities, no steps have been taken.

Learned advocate for the State has submitted a report. Report reflects that Suit no.267 of 2022 is pending before the learned Civil Judge (Senior Division), 1st Court, Malda. The police authorities whenever they have received information have taken steps and drawn up proceedings under Section 126 of the BNSS.

Having considered that a civil suit is already pending in respect of partition of a property, I am of the view that so far as the right, title, interest, possession, usage and occupation is concerned, the police authorities will not interfere with the same until and unless directed by the civil court.

So far as other allegations are concerned regarding physical and mental torture being inflicted upon the petitioner, police authorities till date did not take any steps in spite of receiving information on 05.03.2025. Having considered the same, I am of the view that the petitioner would be at liberty to approach the jurisdictional criminal court with prayers for relief under the relevant provisions of law. Learned Magistrate would assess regarding the nature of the accusations and thereafter exercise his discretion for passing necessary orders.

Police authorities, however, would keep a strict vigil and ensure that no breach of the peace

and/or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the parties as already a proceeding under Section 126 of the BNSS has been drawn up by the police authorities.

With the aforesaid observations, WPA 6968 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

Needless to state that since the private respondent no.6 has not been called for to file any affidavit, the accusations made in the writ petition are deemed not to have been admitted.

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

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

(Tirthankar Ghosh, J.)