

D/L 32
18.02.2025
Bpg.
ct.no.35

W.P.A.8421 of 2024

**Sulekha Roy
Versus
The State of West Bengal & Ors.**

Mr. Saibal Acharya
Mr. Sanwar Halder
Mr. Sarthak Burman.
...for the petitioner.
Mr. Santanu Kr. Mitra
Mr. Subhabrata Das.
...for the State-respondents.
Mr. Prasenjit Burman
Ms. Payel Koley
Mr. Swapnesh Mallik.
...for the respondent nos.4 & 5.

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

Petitioner is aggrieved by the inaction of the police authorities as the petitioner complains that her belongings and articles were left at the matrimonial home and she has been prevented from collecting the same at the behest of the other relations who are there in the matrimonial home. Petitioner presently complains that she is being threatened as the private respondents have taken the law in their own hands.

Learned advocate for the State has submitted a report. Report reflects that pursuant to the complaint received, Baranagar P.S. Case No.487 dated 24.07.2023 was registered for investigation as also Baranagar P.S. Case No.585 of 2023 dated

03.09.2023 was registered for investigation on the basis of the information furnished by the petitioner to the police authorities. The police authorities on conclusion of investigation has also submitted charge-sheet in respect of the said cases. There are other issues which have been contended in the report. However, the same are irrelevant for consideration of the present writ petition.

Learned advocate for the respondent nos.4 and 5 submits that the petitioner by using criminal law is trying to evict them from the property and are also trying to sell away the original matrimonial house. The allegations in respect of the belongings were never there and facts have been bolstered up for initiating a criminal case.

Be that as it may, petitioner has approached this Court as her belongings which she accuses were not handed over to her. There are two cases already pending before the jurisdictional court. In the said cases if the petitioner makes an application before the jurisdiction court, learned jurisdictional court would consider the same in accordance with law since one of the cases so registered and wherein charge-sheet has been submitted is under Sections 498A/354 of the Indian Penal Code. If any direction is passed by the learned Magistrate, police authorities would act in

accordance with law pursuant to the directions so passed. In case the petitioner apprehends that there may be any threat to her life and she will not be able to depose before the criminal court at the time of trial, petitioner would also be at liberty to invoke the provisions of Witnesses Protection Scheme, 2018. Learned Magistrate would pass necessary directions upon the police authorities for a threat perception report and thereafter pass necessary directions.

With the aforesaid observations, WPA 8421 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing on behalf of the petitioner.

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.)