

D/L 30
20.03.2025
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ct.no.35

W.P.A.10526 of 2024

**Smt. Swapna Ghosh
Versus
The State of West Bengal & Ors.**

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

Mr. Wasim Ahmed
Md. Shehabuddin.
...for the State-respondents.

Mr. Tulshidas Ray
Mr. Tirthankar Ray.
...for the private respondents.

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

Petitioner complains that she is being threatened to vacate the property or in the alternative she would be murdered and repeatedly she is being physically attacked by the private respondents. Petitioner informed the police station being Officer-in-Charge, Titagarh Police Station (presently Mohanpur Police Station). However, no steps were taken by the police authorities.

Mr. Ahmed, learned advocate appearing for the State complains that the petitioner has filed a suit wherein she has claimed that she has already been

dispossessed and has prayed for restoration of possession.

Be that as it may, the police authorities are supposed to protect both the life and the property. If the petitioner's life is at stake as has been complained and no steps have been taken by the police authorities, the petitioner would be at liberty to approach the jurisdictional Magistrate under Section 175(3) of the BNSS. Learned Magistrate would assess as to whether any cognizable offence has been made out, ascertain as to whether any case for investigation is made out and thereafter pass necessary directions as he deems fit and proper in accordance with law. Police authorities would also assess whether the situation still persists and ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 10526 of 2024 is disposed of.

There will be no order as to costs.

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.)