

M/L 851
23.07.2025
ct.no.35
Kausik

W.P.A. 13613 of 2024

**Dipak Kumar Acharya & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Satya Ranjan Kundu

...for the Petitioner.

Mr. Sreemoyee Mukherjee

...for the respondent nos. 4 to 9.

Mr. Suman Ghosh, Ld. Sr. Govt. Adv.
Ms. Munmun Tewary

...for the State.

Petitioner is aggrieved by the fact that in spite of informing the Inspector-in-Charge, Adra Police Station as well as the Superintendent of Police, Purulia no steps were taken in respect of such representation which was sent on or about 10.06.2022.

State has submitted a report. Report reflects that there was a matrimonial dispute. Pursuant to which Adra Police Station Case No. 17/2024 was registered for investigation. It has also been stated that an enquiry was conducted and to that effect, the report of the Protection Officer in charge of Purulia under the provisions of PWDV Act, 2002 has been enclosed, the orders passed by the

learned Judicial Magistrate, 1st Court, Raghunathpur in Misc. Case No. 68/2021, copy of the charge sheet in connection with Adra Police Station Case No. 17/2024 and copy of the report of Sub-Inspector of Police who conducted the enquiry in respect of the petition filed by the present petitioner Dipak Kumar Acharya.

It is reflected also that the respondent no. 4 and her child was left alone by locking the room keeping the lights and fan of the said room on. Hence the respondent no. 4 with the help of others had broken the said padlock.

Be that as it may, the same are question of facts, the truth or falsity of which are to be decided. Since a case is already pending before the learned Magistrate under the provisions of PWDV Act, 2002 as also criminal case before the learned Court at Raghunathpur, I am of the opinion that if the petitioner is aggrieved that the padlock has been broken and forceful entry has taken place, petitioner would take out an appropriate application before the learned Magistrate in seisin of the case relating to PWDV Act, 2002. Learned Magistrate will assess and ascertain regarding the correctness of the accusations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations WPA 13613 of 2024 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)