

Sl.No.

9

11.08.2025

Court
No. 35

G.S.Das

WPA 16601 of 2025

With

CAN 1 of 2025

Purnima Sarkar

-Vs-

The State of West Bengal & Ors.

Mr. Shamik Bagchi
Mr. F. Mallick

... for the Petitioner(s)

Mr. K. J. Yusuf, Id. AGP
Mr. Arun Kr. Singh

... for the State – Respondent(s)

Mr. Arunava Baerjee
Mr. Asit Bera
Ms. Simantika Dasgupta
Ms. Ritika Mandal
Mr. Sk. Qareeb

... for the respondent(s)

The petitioner being aggrieved by
the conduct of the private respondents
and the inaction of the police authorities
has approached this court.

State has submitted a report
which reflects that Sonarpur PS Case No.
1047 of 2022 dated 29.09.2022 has been
registered for investigation at the instance
of the present petitioner. Subsequently, on
the basis of another complaint of the

petitioner, Sonarpur PS Case No. 384 of 2025 dated 09.03.2025 has also been registered for investigation. In both the cases, charge-sheet have already been submitted.

On the other hand, on the basis of information furnished by the private respondent no.8, Sonarpur PS Case No. 613 of 2025 dated 19.04.2025 has been registered for investigation. The petitioner, *additionally*, has taken out an application being CAN 1 of 2025 wherefrom it reflects that a case under the provisions of the PWDV Act, 2005 has been filed before the learned ACJM, Baruipur being AC 64 of 2025.

Since the residential rights are absolutely the domain to be considered under the said Act, the petitioner would take steps in respect of the inconveniences faced by her before the learned jurisdictional Magistrate *in seisin* of

AC 64 of 2025.

Having considered that the genesis of the dispute is a matrimonial dispute where the police authorities have very limited role to be involved and the report of the police authorities reflect that two cases have already been registered: *one* under Section 498A of the IPC registered in the year 2022 and the other under Section 85 of the BNS registered in the year 2025, as such, they cannot take the law in their own hands at the whims of any of the litigants.

However, there are statutory remedies available. The petitioner should approach the jurisdictional Magistrate by way of invoking the provisions of PWDV Act, 2005. Since remedies under the said Act are available to the petitioner, the police authorities would act pursuant to any direction of the learned jurisdictional Magistrate *in seisin* of AC 64 of 2025.

With the aforesaid observations,
WPA 16601 of 2025 along CAN 1 of
2025 is disposed of.

Pending application(s), if any, is
also disposed of.

Report so submitted be kept with
the record. Copies of the report be
handed over to both the parties.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)