

28.02.2025
tkm/ct 28
sl no.5

C.R.R. 4084 of 2024

In Re : An application under section 528 of Bharatiya Nagarik Suraksha Sanhita 2023

And

In Re : Mina Sarkar & Ors.

..... petitioners

Mr. Indrajit Bhattacharjee

Mr. Sudip Naskar

..... for the petitioners

1. Petitioners contend opposite party no. 2 is the daughter-in-law of petitioner no. 1. Petitioner nos. 2 and 3 are the brother-in-law and sister-in-law respectively of opposite party no. 2. There is a family dispute between the parties. Petitioner no. 1 had instituted a proceeding under section 12 of Protection of Women from Domestic Violence Act against opposite party no. 2. In retaliation the present proceeding has been instituted.

2. I have considered the materials on record. Domestic relationship between the parties are admitted. Petitioner no. 1 alleges domestic violence at the behest of opposite party no. 1 and has instituted a proceeding under the Protection of Women from Domestic Violence Act.

3. On the other hand, opposite party no. 2 alleges domestic violence by the petitioners and has instituted similar proceeding which is impugned in this application.

4. Correctness or otherwise of the allegations in both the proceedings are matters of evidence which require to be thrashed out in the course of trial. Hence, I am not inclined to interdict the proceeding instituted by opposite party no. 2 on the mere ground

that an earlier proceeding has been instituted against her by petitioner no. 1.

5. However, it shall be open to the parties to pray before the jurisdictional magistrate that both the proceedings be tried one after another so that there is no conflict of decision.

6. With this observation, petition is disposed of.

(Joymalya Bagchi, J.)