

WPA 24860 of 2025

Mirtunjoy Pramanik
Vs.
The State of W. B. & Ors.

Mr. D. K. Samanta
Mr. Biswapriya Samanta
Mr. Suhatro Palit
Mr. A. K. Chakraborty
Ms. Rina Halder
Ms. T. Singha Roy ...for the petitioner.

Mr. Ashish Kr. Guha
Ms. Sreemoyee Roy ...for the State.

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The present matter pertains to a matrimonial dispute between the petitioner and the private respondent.

The petitioner alleges that the private respondent has left her matrimonial home with the child without any cogent reason whatsoever. The dispute between the parties was earlier settled by intervention of the gram panchayat. The private respondent returned to her matrimonial home but subsequently left again.

The petitioner filed an application before the police authority seeking intervention for restitution of his conjugal rights. But in the meanwhile, the private

respondent lodged complaint against the petitioner his family members alleging torture in her matrimonial home. The petitioner and his parents surrendered before the learned Magistrate and were granted bail.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the representation submitted by the petitioner before the police authority has not been acted upon, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal.

The petitioner is granted further liberty to approach the appropriate forum for restitution of his conjugal rights.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)