

02
rkd 16.04.2026
Ct.05

W.P.A. 2787 of 2026
(IA NO: CAN 1/2026)

Tapan Roy & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Satrajit Sinha Roy

....for the petitioners.

Ms. Anushree Saha

....for the respondent no.7.

Mr. Tanmoy Kumar Ghosh,

Ms. Susmita Biswas Chowdhury

....for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. It is submitted by the learned advocate representing the petitioners that a complaint was lodged on 26th December, 2025 alleging that petitioner was threatened and prevented from contacting her family members after deserting her matrimonial home and allegations were made against respondent nos.7 & 7a.
3. It is also submitted that considering nature of complaint lodged against aforesaid private respondents criminal prosecution ought to have been initiated by adding Sections 330 and 331 in addition to Section 305 however, non-consideration of addition of aforesaid provisions of BNS led the petitioners to approach this Court with the present writ petition seeking necessary direction.
4. Learned advocate representing the State

respondents has filed a communication dated 1st April, 2026 of Inspector-in-Charge, Ranaghat Police Station, Ranaghat Police District and same is taken on record. Copies of the said communication dated 1st April, 2026 are made over to the learned advocates representing the petitioners and respondent no.7.

5. It is disclosed in the communication dated 1st April, 2026 that statement was made by the petitioner no.2 on 27th January, 2026 which was recorded under Section 183 of BNSS, 2023 before the Magistrate.
6. It was recorded based on the statement made by the petitioner no.2 that she had left her matrimonial home voluntarily following a dispute with her husband and having no immediate shelter contacted respondent no.7 seeking assistance.
7. Petitioner no.2 also went to Ranaghat in her own volition and stayed at the rented premises of respondent no.7. It was also recorded by the Magistrate that she voluntarily handed over gold ornaments to respondent no.7 for selling them in market as petitioner no.2 intended to utilize the sale proceeds for starting some work. Subsequently, dispute arose relating to valuation of gold ornaments.
8. The case made out in this writ petition runs contra to the statement made by the petitioner no.2 under

Section 183 BNSS.

9. Therefore, Court is not satisfied to pass an order thereby granting relief as prayed for.
10. The writ petition stands dismissed.
11. Application, if any pending, also stands dismissed.
12. However, this order shall not preclude the petitioner to approach the jurisdictional Magistrate, if occasion so arises.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)