

Misc Case 34 of 2026

Present : Sneha Basu

Judicial Magistrate

Nabadwip, Nadia

CNR No. WBND 060005132026

JO Code WB01437

Order dated 05.06.2026

1. Today is fixed for hearing.

Petitioner is present by filing Hazira. Heard the submissions of Ld. Counsel for the petitioner with respect prayer for interim protection. Record is taken up for order. Perused the application, affidavit and documents annexed thereto. The petitioner claims herself to be the legally wedded wife of the opposite party and has alleged physical and mental cruelty, intimidation and continued harassment at the hands of the opposite party. It has further been alleged that despite residing separately, the petitioner continues to receive threats from the opposite party and apprehends danger to her safety. A copy of G.D.E. No. 149/2025 dated 15.11.2025 lodged before Mayapur Outpost has also been annexed in support of the allegations.

2. The petitioner has relied upon the decision of the Hon'ble Supreme Court in *Prabha Tyagi vs. Kamlesh Devi* wherein it has been held that absence of a Domestic Incident Report does not preclude the Magistrate from exercising jurisdiction under the provisions of the Protection of Women from Domestic Violence Act, 2005. At this preliminary stage, the allegations made in the application are yet to be tested and no conclusive finding on the merits thereof can be recorded. However, having regard to the nature of the allegations and the apprehension expressed by the petitioner regarding her safety, this Court is of the view that limited interim protection is required pending appearance of the opposite party and consideration of the application on merits.

3. Accordingly, the opposite party is restrained from intimidating, threatening, contacting or otherwise disturbing the peaceful possession and enjoyment of residence of the petitioner till the next date fixed or until further orders, whichever is earlier.

The Officer-in-Charge, Nabadwip Police Station, shall ensure that any complaint lodged by the petitioner alleging violation of this order or any act giving rise to apprehension of breach of peace is attended to promptly and in accordance with law.

Let notice be issued upon the opposite party.

Let a **Domestic Incident Report** be called for from the Protection Officer concerned.

Fix 22.09.2026 for service report, receipt of Domestic Incident Report and further orders.

Sd/-

Judicial Magistrate

Nabadwip, Nadia