

**Present : Preetha Mukherjee,
Judicial Magistrate,
Nabadwip, Nadia.
JO Code WB01445**

Misc case 44/25
CNR No. WBND 060011952025
Swapna Das Versus Pradip Das and Arati Das

Order dt. 20/09/2025

A petition U/s 12, 13, 15, 17, 18, 19, 20 and 23 of Protection of Women against Domestic Violence Act, 2005 is filed on affidavit.

Let the case be registered as Misc Case 44 of 2025.

Ld. Advocate for the petitioner moves the petition for interim order.

The record is taken up for hearing.

According to the petitioner, she got married to the O.P No. 1 on 14/02/2013 as per Hindu Marriage Act and during the said marriage, cash of Rs. 50,000/-, 3 vori gold along with household furniture and appliances were given to the O.P by the petitioner's parents. Few days after the marriage, O.P started physical and mental torture upon the petitioner and pressurized her to bring money from her parental house. On 05/04/2014, the petitioner gave birth to her first son, namely, Rohan Das, but even after that, the physical and mental torture continued. According to the petitioner, due to the constant mental pressure, she was compelled to sell her parental house at Rs. 12 lakh and give the cash to the O.P. Thereafter, the petitioner gave birth to her second son on 12/08/2017. Even after that, the O.P continued to torture the petitioner physically and mentally and threatened to evict her from his house. As per the petitioner, on 10/09/2025, the O.P assaulted the petitioner and drove her out of her matrimonial house. At present, she has taken shelter at her relatives house.

The petitioner has further stated that the O.P earns Rs. 50,000/- per month from his tailoring business. She has prayed for maintenance of Rs. 15,000/- per month and further direction to reside at her matrimonial house.

Heard the Ld. Advocate for the petitioner.

Considered.

Perused the petition.

On perusal, it appears that the petitioner has complained of torture by the O.P since after her marriage in the year 2013. However, it has not been stated anywhere in the petition as to the nature of torture that was inflicted on the petitioner or how exactly the petitioner was tortured by the O.P. The petitioner has not submitted any document to show whether she has filed any complaint against the O.P since 2013 till 2025. Further perusal reveals that even though, the petitioner has stated that she has sold her parental property and has given the proceeds to the O.P, no sale deed has been filed by the Petitioner in support of her contention. The Domestic Incident Report in respect to this case has not yet been received.

Section 23 of the Protection of Women from Domestic Violence Act, 2005 empowers the Magistrate to grant an ex parte order on the basis of an affidavit in such form as may be prescribed of

the aggrieved person U/s 18 to 22 of the Act, if he satisfied that an application prima facie discloses that the respondent is committing or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence.

In the instant case, this Court does not find any ingredient which prima facie discloses that the O.P has committed an act of domestic violence and therefore is not inclined to allow the prayer of the petitioner without hearing the O.P.

(Contd.....)

Hence it is

ORDERED

that the instant petition for ad interim maintenance is hereby considered and rejected.

Protection Officer, Nadia is hereby directed to submit Domestic Incident Report by the next date.

Requisite has already been filed. Issue summons upon O.Ps.

B.C II to do the needful.

To 10/03/2026 for D.I.R and S.R.

Let a copy of this order be supplied to the petitioner free of cost.

Let a copy of this order be sent to the Protection Officer, Nadia for information and compliance.

Dict. & Corrected by me,

Sd/-

J.M, Nabadwip, Nadia.