

Misc-198 of 2025
Sumana Dey vs. Sutanu Mukherjee and 2 others

Order dated 26.12.2025

Today is fixed for hearing.

Heard petitioner in full.

The record is taken up for passing order.

This order disposes of an application under section 23 of Protection of Women from Domestic Violence Act filed by petitioner is praying for protection from domestic violence.

The petitioner's case in a nut shell is that aggrieved person is the legally married wife of respondent no. 1 and the marriage was solemnized on 06.10.2024 under Special Marriage Act 1954. After marriage the respondent no.1 always ignores the petitioner. The respondents pressurized the petitioner to bring cash from her parents. Respondent no.1 used to come home late night in drunken condition and started to quarrel with the petitioner, physically assault her and also would not even allow her to stay in the room at night. The petitioner is engaged in an honorarium service with Ramkrishna Vivekananda Mission at Barrackpore wherefrom she gets Rs. 5000/-pm. The respondents used to assault the petitioner physically and mentally. The petitioner endure all the humiliation and torture for her matrimonial tie. On 05.05.2025 the petitioner when preparing to visit her sister's house for the purpose of a birthday party, the respondents took an altercation to prevent her and physically torture her. On next day 06.05.2025 accused beat the petitioner physically and driven her out from her matrimonial house. Having found no other alternative the petitioner took shelter at her parental house. The petitioner residing at her parental house. The petitioner lodge FIR against the respondents before Baranagar PS u/s 85/316(2)/3(5) of BNS and 3/4 of Dowry Prohibition Act. She has prayed for protection from domestic violence and relief u/s 18, 19, 20, 22 & 23 of PWDV Act..

From the perusal of the pleadings, it appears that DIR is received. The parties are in domestic relationship and there is allegation of domestic violence upon the petitioner. At this stage all the prayers cannot be considered without appraisal of evidence. However, for the protection of basic rights of the petitioner, some of the prayers need to be considered.

Hence it is

ORDERED

the petition under sec.23(2) is allowed exparte. Prayer u./s.18 and 19 is allowed exparte.

Prayer u/s.18 and 19 is allowed at this stage.

The **respondents are** hereby restrained from committing any act of domestic violence upon the petitioner in any manner what so ever until further order.

The respondents are also restrained from disturbing the petitioner in residing in the shared-household peacefully and not to evict her without following the due process of law.

Let a copy of this order be forwarded to IC Baranagar PS to take necessary steps in case of disobedience of order by the Respondents.

Copy of this order, if applied for, be supplied to the petitioner free of cost after maintaining the procedural formalities.

To 02.03.2026 for SR.

J.M. 4th Court, Barrackpore.