

***IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE***

Present:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Aryak Dutt

WPA/10945/2015

**SMT. BEAUTY SARKAR
VS
THE STATE OF WEST BENGAL & ORS.**

For the Petitioner :Mr. Pratik Bhattacharyya, Advocate

For the State : Mr. Dibasish Basu, Ld. AGP
Ms. Sneha Dutta, Advocate
Mr. Purnendu Das, Advocate

Heard & Judgment on: August 17, 2026

Debangsu Basak, J.

1. Writ petition is at the behest of a wife. Husband of the writ petitioner is missing since January 24, 2011. Writ petition was filed sometime in May, 2015.
2. From time to time, co-ordinate Bench passed several orders. One of the orders required a report as to the deposit of Rs.50,000/- in the Bank Account of the husband of the writ petitioner after the writ petitioner went missing.
3. Report submitted by the State be taken on record.

4. The report submitted by the State records that, the complaint against the husband of the writ petitioner was registered as First Information Report. Elaborate investigations were conducted. Thereafter, a final report as true was filed by the police authorities in the first information report on August 21, 2022.
5. Learned advocate appearing for the writ petitioner submits that, the writ petitioner is entitled to compensation in view of the ratio laid down in **(2006)1 C Cr LR (Cal) 745 [Smt. Sankari Sarkar vs. The State of West Bengal & Ors.]**. He submits that, the investigations and report with regard to the deposit of a sum of Rs.50,000/- in the Bank Account of the writ petitioner is not yet complete.
6. State is represented.
7. We find from the records that, on January 24, 2011, the husband of the writ petitioner went missing. A police complaint was lodged. Police complaint was at the behest of one Dipanjan Das. The complaint was registered as Kotwali Police Station Case No. 65 of 2011 dated January 26, 2011 under Sections 406/408 of the Indian Penal Code, 1860.
8. Bereft of unnecessary details, the police complaint against the husband of the writ petitioner is that, he acted in criminal breach of trust in taking a truck loaded with domestic liquefied petroleum gas cylinders. The truck was loaded on January 24, 2011 and was supposed to deliver the consignment on January 25, 2011.
9. Investigations threw up the place where, the truck was last seen. The investigating Officer interviewed the attendants at the fuel station where, the truck was last seen. Such interview did not throw up any leads.
10. Mobile phone number of the missing person was looked into. Mobile phone was found switched off.

11. Police authorities contacted various other authorities in order to locate the missing person as well as the truck. However, such efforts did not yield any result.
12. Significantly, the truck was not covered by any insurance policy.
13. Police authorities looked at unnatural death cases record and did not find any record with regard to the missing person. According to the police, no AADHAR Card was issued in favour of the missing person.
14. Investigating Officer looked into the Bank Account of the missing person and found that last transaction made therein was on August 10, 2009. The Vahan data base was looked into by the Investigating Officer with regard to the missing truck and no new registration was found there at.
15. As noted above, the police thereafter proceeded to file final report as true in view of the police case on August 21, 2022 with the liberty to reopen the case if any clues were detected in the future.
16. On the prayer of compensation, in response to a query of the Court whether there was any prayer made in the writ petition to such effect or not, the answer is in the negative by the learned advocate for the petitioner. However, attention of the Court was drawn to the ratio of **Sankari Sarkar (supra)**.
17. In **Sankari Sarkar (supra)** the missing person was admitted at a railway hospital from where the person went missing. In the facts of the present case, the missing person was not in the care or custody of any Article 12 authority for us to apply the ratio of **Sankari Sarkar (supra)**. Our attention was not drawn to any scheme of the Government as to the payment of any compensation in respect of a missing person.

18. Period in excess of 15 years elapsed since the person went missing. State made every effort to find the missing person. No useful purpose would be subserved by keeping the writ petition pending.
19. **WPA/10945/2015** is accordingly **disposed of** without any order as to costs.

(Debangsu Basak, J.)

20. I agree.

(Aryak Dutt, J.)