

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 2878 of 2020

Rishi Agarwal
Vs.
State of West Bengal & Ors.

Mr. Ayan Kumar Boral
... For the petitioner

Mr. Rana Mukherjee
Md. Sabir Ahmed
... For the State

Mr. Siddhartha Banerjee
Mr. Arunava Ganguly
... For the private respondent

It is not in dispute that the minor child of the petitioner is with the estranged wife of the petitioner. A report dated February 19, 2020 has been furnished by the inspector attached to the Ballygunge Police Station asserting that the minor is with the mother.

Since the minor is with the mother who is also the natural guardian of the minor, the petition for habeas corpus has worked itself out. This jurisdiction is not meant for matrimonial disputes over children's custody to be entertained or adjudicated.

WPA 2878 of 2020 is disposed of by giving liberty to the petitioner to approach the appropriate civil forum for custody of the child, if the petitioner so desires.

Certified website copies of this order, if applied for, be urgently made available to the parties, upon compliance with the requisite formalities.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)