

09
28.01.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 1081 of 2019

Sulekha Parvin @ Sulekha Roy
Vs.
State of West Bengal & Ors.

Mr. Kallok Ghosh.....for petitioner

Mr. Bikramaditya Ghosh
Mr. M. Rahaman..... for the State

The petitioner claims to be a girl who has married a person of another religion. The father of the petitioner filed a complaint which was registered as Dhupguri Police Station Case No. 412 of 2019 under Sections 363/365/506 of the Indian Penal Code.

The learned Advocate for the respondent police authorities also submits that at the time when the FIR was lodged, the petitioner was an adult.

The petitioner submits that she has voluntarily left her parental home and has entered into a matrimony with a man of her choice and this was not a case of kidnapping. It is alleged that the basis of the said FIR and the under the garb of investigation, the police authorities are harassing the petitioner at the behest of the father and the petitioner has not been able to retrieve her valuable documents which are still lying at the residence of her father. The police authorities

will not unnecessarily harass the petitioner and shall restrict the interrogation for the purpose of the investigation.

This writ petition is disposed of with a direction upon the Inspector-in-Charge of Dhupguri Police Station to retrieve the valuable document from the father's residence on the basis of the application to be made by the petitioner before the concerned officer-in-charge.

Once the petitioner makes a request to the Inspector-in-Charge of the Dhupguri Police Station, the I.C. will recover the documents and shall fix a date so that the petitioner can go to the police station and take her documents. Documents which may be required for the investigation may be retained by the police authorities.

Regarding giving statements under Section 164 of the Code of Criminal Procedure, the petitioner will be at liberty to approach the criminal court.

The writ petition being WPA 1081 of 2019 is thus disposed of.

There shall, however, be no order as to costs.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon compliance of usual formalities.

(SHAMPA SARKAR, J.)

