

21-02-2022
ct no. 13
Sl.11
pk

WPA 9 of 2022
Gourhari Sarkar
Versus
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Tarique Quasimuddin,
Mr. Zainab Tahur

...for the petitioner

Sk. Md. Galib,
Mr. Kapil Guha

...for the State.

The writ petitioner complains of inaction by
Swarupnagar Police Station, Basirhat.

It is submitted that notwithstanding FIR
registered on 20th December, 2020 at the instance of
learned ACJM, Basirhat in M. P. Case No. 348 of
2020`under Sections 363/365 of the Indian Penal
Code, the victim lady or minor child has not been
recovered.

Counsel for the State submits that
pursuant to a complaint received from the alleged
victim girl, investigation had started and Charge
Sheet No. 902 of 2019 dated 31.10.2019 under
Sections 498A/34 of the IPC read with Sections 3
and 4 of the D. P. Act has been filed.

It is submitted that the victim girl left from
the matrimonial house with the petitioner. There was
some settlement and the wife was residing with the

petitioner. In August, 2020, however, the mother-in-law of the writ petitioner took away her daughter.

Counsel for the State submits that the petitioner's wife has taken a second husband and is pregnant with a child from such second marriage and is residing at Madhya Pradesh. A police team is stated to have left for Madhya Pradesh.

It is ordered that the said police team shall only record the statement of the wife, namely, Sikha Sarkar and submit the same in the final report. The civil marital disputes between the petitioner and his wife, legality of the second marriage, custody of the child, namely, Joy Sarkar may be taken up before an appropriate forum under the relevant statute.

It is expected that the statement of Sikha Sarkar would be recorded before the local Magistrate where she may be traced out.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)