

12.04.2022

Court No.32
rpan/101

WPA (H) 20 of 2022
Bholanath Maity
- Versus -
The State of West Bengal & Others

Mr. Sajal Kumar Ghosh
... for the Petitioner.
Mr. Debabrata Chatterjee
Mr. Simanta Kabir
... for the State.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner, namely, Bholanath Maity (in short, Bholanath) married one Mampi Maity (in short, Mampi), daughter of Tapas Kumar Maity on 5th April, 2020 and a female child was born on 26th October, 2021. On 21st March, 2022 Mampi along with her child went missing. The petitioner went to register a complaint to that effect but the same was not accepted. He thereafter filed a Misc. Case No.144 of 2022 under Section 97 of the Code against Tapas Kumar Maity and others in which an order was passed on 23rd March, 2022. However, the police authorities did not take any step to recover the petitioner's wife and minor daughter. Aggrieved thereby, the petitioner has approached this Court.

Mr. Chatterjee, learned advocate appearing for the State disputes the contention of the petitioner and submits that on receipt of a copy of the writ petition, the matter was enquired into and it was found that

Mampi, who is an adult lady, voluntarily left her matrimonial house along with her minor child and went to her uncle's place. Subsequent thereto, she went to her paternal house and presently she is residing there along with her child. Such fact would be explicit from the letter written by Mampi to the Officer-in-Charge, Bhagwanpur Police Station. Let the report containing the letter of Mampi, as filed, be kept on record.

It, thus, appears that the petitioner voluntarily left her matrimonial house and is presently residing at her paternal house along with her child. We are afraid that the exercise of the power of writ in the nature of habeas corpus would perhaps not be feasible in the fact situation of the instant case. In view thereof, no interference is called for in the present writ petition.

Nothing herein shall, however, prevent the petitioner from initiating proceedings before any other court or forum seeking relief in accordance with law.

The habeas corpus petition, being WPA (H) 20 of 2022 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)