

18.07.2022
Court No. 19
Item no.447
CP

W.P.A. No. 8500 of 2022

Rajat Kanti Sarkar
Vs.
The State of West Bengal & ors.

Mr. Nilanjan Adhikari
Mr. Gouranga Pal
....for the petitioner.

Ms. Chama Mookherji
Mr. Gourav Das
....for the State.

The allegation of overt act against the police authorities of Rahara Police Station and Khardah Police Station, are not substantiated.

It appears that the petitioner was interrogated by the police authorities. On the basis of the complaint filed by the petitioner against his daughter-in-law, Rahara PS Case No. 148/22 dated May 12, 2022 under Sections 448/323 of the Indian Penal Code, had been registered. The investigation is under progress. It further appears that the petitioner informed the police that his son and the daughter-in-law were involved in various illegal activities and there were series of cases pending against them. The petitioner would not allow his son and daughter-in-law to reside in the same house. That the children (two minor girls) of the couple, live with the

petitioner. The petitioner alleges that the police authorities tried to forcefully take the girls from his custody.

The police report is taken on record. It appears that the daughter in law of the petitioner lodged a compliant before the Chairperson, Child Welfare Committee, North 24 Parganas. The Officer-in-Charge, Rahara Police Station was directed to produce the child before the committee on May 6, 2022. Accordingly, ASI Surajit Biswas visited the residence of the petitioner on May 6, 2022 in order to produce the minor girls before the committee. The ASI found that the girls were not in the residence. As the girls were not available, they could not be produced before the committee. A general diary was registered and a report has been filed before the Child Welfare Committee.

Thus, this court does not find that there has been any illegality or overt act by the police. The proceedings before the Child Welfare Committee is separate and distinct. The same is not amenable to the jurisdiction of this court.

The report of the Khardah Police Station is also taken on record from which it appears that the Rahara Police Station would be appropriate police station, to investigate into the matter.

The said reports are taken on record.

This order shall not prevent the petitioner from approaching the Child Welfare Committee in accordance with law, to make his submissions.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)