

15.06.2022
Court No. 19
Item no.06
CP

WPA No. 9773 of 2022

Smt. Namita Hazra
Vs.
The State of West Bengal & ors.

Mr. Nitai Chandra Saha
Mr. Abhijit Ch. Majumder
....for the petitioner.

Mr. Amitesh Banerjee, Sr. St. Counsel
Ms. Ipsita Banerjee
...for the State.

The petitioner alleges that her daughter-in-law is residing with anti-social elements and should be brought back by the police authorities to the matrimonial home.

It is submitted by the petitioner that the son could not have been deserted by the mother and it was the responsibility of the court and the police authorities to ensure that her daughter-in-law is brought back to the matrimonial home forcefully, so that the child could be looked after.

The police authorities have submitted a report from which it appears that on the complaint of one Padma Patra Rabindra Sarobar P.S. Case No. 22/2021 was initiated. Allegation was that the Padma's daughter and the petitioner's daughter-in-law was missing and she should be recovered by the police.

The police authorities contacted the missing person and got her statements recorded before the learned Magistrate under Section 164 of the Cr.P.C. It revealed that the lady left her matrimonial home on her own will. She was not kidnapped. She was not willing to go back to her matrimonial home in view of the torture inflicted upon her day by day by her husband. After the complaint was filed by the petitioner, once again the police authorities contacted the lady and she sent an e-mail to the police station indicating that she shall not go back to her matrimonial home. The police authorities closed the investigation and filed a Final Report.

A letter dated June 12, 2022 written by the lady is also annexed to the police report. It appears that even three days earlier, the lady wrote to the Officer-in-Charge, Chetla Police Station the reasons as to why she was not willing to go back to her matrimonial home. Allegations of alcoholism, brutal torture, abuse had been made against the husband.

Considering the nature of the allegations against the husband and the right of choice of an adult woman to live apart from her husband, no order can be passed in this writ petition, directing the police to forcefully take back the lady to her matrimonial home.

The writ petition is dismissed.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)