

12.07.2022
Court No. 19
Item no.115
CP

W.P.A. No. 11555 of 2022

Goutam Sadhukha
Vs.
The State of West Bengal & ors.

Mr. Asit Kr. Bhattacharya
....for the petitioner.

Mr. Amit Kumar Das
Mrs. Rupsha Chakraborty
...for the State respondents.

Mr. Ali Ahsan Alamgir
Ms. Riya Das
....for the respondent no. 6.

Affidavit of service is taken on record.

The petitioner has made an allegation that the respondent no. 6 had wrongfully detained the wife and child of the petitioner and had also committed theft of valuable assets of the petitioner. The respondent no. 6 used to be an employee of the petitioner. The allegation is that despite complaints having been filed by the petitioner, the Officer-in-Charge, Tehatta Police Station, had failed and neglected to take appropriate steps. Hence, the writ petition has been filed. Prayer has been made for recovery of all the valuable articles and also of the wife and the child from the custody of the respondent no. 6.

The respondent no. 6 submits that the allegations are false and frivolous. The wife and the child left the house of the petitioner, willingly and they started residing elsewhere.

The police report is taken on record, from which it appears that an FIR was registered against the respondent nos. 6 to 8 pursuant to the complaint of the petitioner, being Chapra PS Case No. 296/22 dated May 20, 2022. The investigation was transferred to the jurisdiction of the Tehatta Police Station and Tehatta PS Case No. 449/22 dated June 3, 2022 was registered. The investigation was concluded and a final report was filed.

The police authorities found that the proceeding was initiated under mistaken fact. Such final report was filed on June 10, 2022 vide Tehatta PS FRMF No. 389/22. The investigation reveals that the wife and the child of the petitioner left the matrimonial home. The wife started living with her child at her parent's house. The petitioner visited the said house. The wife refused to return with the petitioner. Thereafter, the wife took away her 'Streedhan' articles.

From the statements of the witnesses as also the wife who is now living in the house of one Madhusudan Saha, the police authorities have arrived at the conclusion that the allegation of

kidnapping was incorrect and the wife had left the matrimonial home with her child, voluntarily.

If the petitioner is aggrieved by the final report, the remedy of the petitioner would be before the appropriate jurisdictional magistrate.

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.)