

03.08.22
Sl-08
Ct.32
(S.R.)

WPA (H) 41 of 2022
Bishu Mondal
v.
The State of West Bengal & Ors.
with
CAN 1 of 2022

Mr. Indrajit Roy Chowdhury	
Mr. Jaydipta Mondal	... for the petitioner.
Mr. Sabir Ahmed	
Mr. Simanta Kabir	... for the State.
Ms. Kaniz Kulsum	... for the respondent no.6.
Ms. Madira Abedin	
	... for the intervener.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner's minor daughter, namely, Rakhi Mondal went missing on and from 22nd April, 2021. The petitioner subsequently came to learn that she had allegedly married the respondent no.6. Thereafter, the petitioner's daughter returned to her parental house and started residing with his parents. Surprisingly, on 1st April, 2022 she again went missing. In the first week of May, 2022 the petitioner came to learn from a phone call from Bihar that his daughter has committed suicide. Stating such facts a complaint was lodged by the petitioner on 14th June, 2022. As no steps were taken by the police authorities, he was constrained to prefer the present writ petition.

One Siddhartha Ghosh, who is the father of the respondent no.6, though not a party to the present writ petition, intervenes. Siddhartha Ghosh has filed an

application being CAN 1 of 2022 averring *inter alia* that that he had cogent reasons to believe that his son's life is at stake and that accordingly he had lodged a missing diary at Sonarpur Police Station but no steps have been taken by the police authorities.

We have heard Ms. Madira Abedin, learned advocate appearing for Siddhartha Ghosh.

Mr. Kabir, learned advocate appearing for the State submits that the petitioner all along had knowledge that his daughter had married the respondent no.6. On 30th May, 2022, the petitioner's wife intimated the police authorities that she had received a phone call from a mobile number 7061103735 and she was informed that her daughter had committed suicide. The police authorities contacted the person having the said mobile, who disclosed that he was a police personnel in Bihar and that a complaint was lodged by the respondent no.8 stating *inter alia* that Rakhi Mondal had been murdered. The said complaint was registered as Chauradano P.S. Case No. 163/22 dated 29th May, 2022.

Mr. Kabir further submits, upon instruction, that investigation in the said case is still continuing and the respondent no.6, an accused in the said case, has not yet been arrested. Let the written instruction, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

In the writ petition it has *inter alia* been averred that the petitioner's minor daughter initially went missing on and

from 22nd April, 2021. Subsequently, she allegedly married the respondent no.6 and returned along with her parents-in-law and started residing in the petitioner's house. But again thereafter on 1st April, 2022 she left her parental house along with her in-laws including the petitioner.

We do not find any material to infer that it is a case of illegal detention. The petitioner cannot ask the writ court to interfere in the investigation of a case concerning commission of cognizable offences. 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 petition.

Accordingly, the *habeas corpus* petitioner and the connected application are disposed of.

Nothing herein shall, however, prevent the petitioner from taking appropriate steps before any other court or forum seeking relief according to law.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)