

WPA (H) 45 of 2022

(Kumar Raja Panda Vs. State of West Bengal & Ors.)

**Mr. Saibal Acharya
Mr. Rajib Kumar Acharyya
Mr. Bansi Badan Maity**

..... For the petitioner

**Mr. Sabir Ahamed
Mr. Simanta Kabir**

..... For the State

**Mr. Samrat Choudhury
Ms. Rupsa Sreemani**

**..... For the private
respondent nos. 6 to 8**

Mr. Acharya, learned advocate appearing for the petitioner submits that the petitioner is an army personnel, presently posted at Bikanir, Rajasthan. He married the respondent no. 6 in the year 2015 and they were blessed with a female child on 2nd February, 2017. On 11th March, 2019, the respondent no. 6 left the army quarters along with her minor child without any reason whatsoever. In spite of all efforts, the petitioner could not ascertain the whereabouts of his wife and daughter. Stating such facts, the petitioner lodged a complaint on 5th July, 2022. A further complaint was lodged before the respondent no. 4 on 11th July, 2022 but no steps were taken by the police authorities.

Mr. Choudhury, learned advocate enters appearance on behalf of respondent nos. 6, 7 and 8 and submits that the respondent no. 6 was not treated properly by her

husband and as such, she was forced to leave the army quarter where she was residing with her husband. She along with her minor child is presently residing at her paternal house.

He further submits that the petitioner had not disclosed that he had already preferred an application for guardianship and the same is still pending. An application under Section 24 of the Code was thereafter filed by the respondent no. 6 and the application being Act VIII Case No. 17 of 2020 was directed to be withdrawn from the Court of the learned District Judge, Paschim Medinipur and transferred to the Court of the learned District Judge, Nadia. Let the order dated 17th March, 2021, as produced, be kept on record.

Mr. Kabir, learned advocate appearing for the State submits that there is a matrimonial dispute between the petitioner and the respondent no. 6. The respondent no. 6 lodged a complaint against the petitioner and others and on the basis of the same, Chakdah Police Station Case No. 547 of 2021 dated 1st October, 2021 under Sections 498A/34 of the Indian Penal Code was registered. Upon completion of investigation, charge-sheet has already been submitted in the said case.

From the averments made in the writ petition, it appears that the petitioner's wife left the petitioner's army quarter way back on 11th March, 2019. No contemporaneous complaint was lodged by the

petitioner. A complaint was lodged by the petitioner more than two years thereafter in the month of July, 2022. There is a matrimonial dispute between the parties and a guardianship application has been filed by the petitioner and the same is presently pending in the Court of the learned Additional District Judge, Kalyani. There is no material to infer that the petitioner's wife and her child had suffered illegal detention. The petitioner's wife, along with her child, is residing with her paternal house.

In view thereof, no interference is called for in the present writ petition and the same is, accordingly, disposed of.

There shall, however, be no order as to costs.

Nothing herein shall, however, prevent the petitioner from taking appropriate steps before the competent forum, in accordance with law.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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