

29.8.2022
Sl.No.11
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WPA 19858 of 2021

Sudipta Biswas
Vs.
The State of West Bengal & Ors.

Mr. Achyut Biswas
Ms. Punam Basu
Ms. Sonam Basu
..for the petitioner
Mr. Pantu Deb Roy
Mr. Anand Fernabis
..for the State

The police report is taken on record.

It appears that pursuant to the complaint of the petitioner, an enquiry was made and prosecution under Section 107 of the Code of Criminal Procedure was submitted against one Arpita Biswas, wife of the petitioner vide Kalyani Police Station NCR No. 439 of 2021 dated July 18, 2021.

Having considered the pleadings, this Court is of the prima facie view that there is a matrimonial dispute and the petitioner is being deprived of the company of his minor children and his wife.

The petitioner apprehends that the petitioner may be harmed if he attempts to locate his children. As the complaint reveals that the petitioner is aggrieved because the wife of the petitioner left her matrimonial home with her minor children, the writ court cannot direct the police to intervene.

Under such circumstances, this writ petition is disposed of, granting liberty to the petitioner to approach the appropriate forum for proper remedy with regard to visitation rights and custody of the children.

The police authorities shall maintain peace and keep a vigil, so that the petitioner is not hampered in any way.

This order shall not be construed as an opinion of the Court on the right of the petitioner with regard to the custody of the children. The competent court shall decide such issues, if approached.

This writ petition is disposed of.

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

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)