

WPA (H) 62 of 2022

(Deb Kumar Ballav Vs. The State of West Bengal & Ors.)

Mr. Kamlesh Jha
Mr. Biswajit Tiwari

.... For the petitioner

Mr. Sabir Ahmed
Mr. Simanta Kabir

.... For the State

The present writ petition has been preferred seeking issuance of a writ in the nature of *habeas corpus* on the allegation that the wife and the minor child of the present writ petitioner went missing since 26th August, 2022. The said incident was diarized with the local police station and thereafter, the petitioner submitted several representations to the police authorities to take appropriate steps and to find out the whereabouts of his wife and minor child. Since the authorities did not take any step, the petitioner was constrained to approach this Court.

In course of hearing, Mr. Jha, learned advocate appearing for the writ petitioner submitted that the writ petitioner's wife and minor child have been abducted and/or kidnapped by the ruling party for political purposes. They have been illegally detained. In view thereof, necessary directions need to be issued upon the authorities to produce the corpus of his wife and child.

Mr. Ahmed, learned advocate representing the State has produced a report before us annexing the statement of the victim lady who, by making a statement before the Inspector-in-Charge, Malda Police Station submitted that since matrimonial disputes surfaced in their marital life, she along with her child, are voluntarily residing in her elder brother's house located at Village – Salalpur, Post Office – Pakuahat, Police Station – Bamongola, District - Malda and she herself declared that she had not been illegally detained and/or abducted or kidnapped by any other person or authority. Such report, as submitted by Mr. Ahmed, is kept on record.

A writ of and/or in the nature of *habeas corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a summary procedure.

Here, in the given case, disputes cropped up in the nuptial life of the writ petitioner and his wife and his wife had filed a case U/s. 498A IPC which was registered as English Bazar P.S. Case no. 911 of 2020 dated 4.10.2020. Regarding the allegation of the writ petitioner to the effect that his wife and child were missing one General Diary vide. Malda P.S. G.D.E. no. 420 dated 9.11.2002 was lodged and in connection therewith, writ petitioner's wife namely Rita Ballav has made declaration that she has been living at her

brother's house along with her child voluntarily and she had not been kidnapped by any person.

In view of these facts and circumstances, we do not find that the wife and the child of the writ petitioner have been illegally detained by any person and/or authority justifying issuance of writ in the nature of *habeas Corpus*.

Accordingly, the writ petition being WPA (H) 62 of 2022 is dismissed.

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

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)