

WPA (H) 67 of 2022
Dipak Kumar Sikdar

v.

01.12.2022

SL-01

Ct.32

(S.R.)

The State of West Bengal & Ors.

Mr. Asok Banerjee

Mr. Subodh Banerjee

Mr. Prosenjit Mukherjee

... for the petitioner.

Mr. Sabir Ahamed

Mr. Simanta Kabir

... for the State.

Affidavit of service filed by the petitioner be kept on record.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner's wife went missing on and from 2nd November, 2022. A complaint to that effect was lodged before the concerned police station on 21st November, 2022 but no steps have been taken by the police authorities and the victim lady has not yet been recovered.

He submits that the petitioner's wife had been abducted by the private respondents and had been illegally detained. In view thereof, necessary direction needs to be issued for production of the victim lady.

Mr. Kabir, learned advocate appearing for the State submits that prior to the complaint lodged by the petitioner on 21st November, 2022, a complaint was lodged by the respondent no.5, who happens to be the brother of the victim lady, on 3rd November, 2022 stating,

inter alia, that his sister is missing from her matrimonial house. On the basis of the information, a missing general diary entry was made being Bhadreswar PS GDE No.133 dated 3rd November, 2022 and a Missing Person Case No.172 of 2022 dated 3rd November, 2022 was registered. The police authorities were provided the mobile number of the victim lady by the respondent no.6. The victim lady was immediately contacted and it was ascertained that she was residing at Tikiri, Rayagada district in the State of Odisha. On 30th November, 2022 an e-mail was received by the respondent no.4 from the victim lady wherein it was, *inter alia*, stated that the complaint lodged by the respondent no.5 is false and that, she is doing a temporary job at Tikiri, Rayagada district in Odisha. It was further stated that she had left her matrimonial house willingly and with the full consent of the petitioner on 2nd November, 2022. Along with the e-mail, two letters, one addressed to the petitioner and one addressed to the Inspector-in-Charge of Tikiri Police Station were attached. Let the report along with the e-mail and letters, as filed on behalf of the respondent no.4, be kept on record.

In reply, Mr. Mukherjee submits that there was no matrimonial dispute between the petitioner and her wife. The allegation that the victim lady had willingly left her matrimonial house is absolutely unfounded and she had,

in fact, been illegally detained by the private respondents. The letter stated to have been purportedly issued to the petitioner by the victim lady, had not been received by the petitioner till date and the veracity of the said *e-mail* and letters is doubtful.

A writ 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.

It appears that the victim lady is aged about 50 years. She left her matrimonial house on 2nd November, 2022. She lodged a general diary before the Inspector-in-Charge of Tikiri Police Station on 30th November, 2022 stating, *inter alia*, that since 2nd November, 2022 she is staying at Tikiri for a temporary nursing job, as per her own wish and that she willingly decided to leave her matrimonial house.

We do not find any material on record to infer that the victim lady had been illegally detained and as such no interference is called for in the present *habeas corpus* petition.

It is made clear that nothing in this order shall prevent the petitioner from initiating appropriate proceedings before any other Court or forum seeking relief, according to law.

The present *habeas corpus* petition being WPA (H)

67 of 2022 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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