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(S.R.)

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**WPA No.7692 of 2020
Subhajit Mistry**

v.

**The State of West Bengal & Ors.
with
CAN No.1 of 2020**

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh

... for the petitioner.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner's mother, who is aged about 50 years, went missing on and from 4th August, 2020. Reporting such fact a missing diary was lodged before the Inspector-in-Charge of Baruipur Police District and the same was registered as G.D.E No.316, dated 5th August, 2020. Subsequent thereto, no steps were taken by the police authorities and as such, the petitioner was constrained to submit a representation to the Superintendent of Police, Baruipur Police District on 8th August, 2020. A further representation was submitted to the Deputy Inspector General of Police, Criminal Investigation Department, Kolkata on 6th August, 2020. The petitioner also personally met with the police authorities but there was no endeavour on their part to conduct proper investigation. Aggrieved thereby, the petitioner has approached this Court.

Records reveal that by an order dated 1st October,

2020 the State was directed to file a report through the Superintendent of Police, South 24-Parnanas. Pursuant to such direction, a report has been submitted and the same is on record.

From the said report, it appears that the matter was entrusted to an Assistant Sub-Inspector of Police, namely, Gouranga Deb Mondal, attached to the Baruipur Police Station for enquiry. The said officer uploaded the photograph of the missing lady in the portal. The photograph of the lady was affixed at Baruipur and Kalyanpur Railway Station. It was reported that the petitioner's mother went to offer Puja at Bishalaxmitala Mandir and as such the officer verified the CCTV Footage near Bishalaxmitala Temple. The priest of the said temple as well as the shopkeepers near the said temple were examined but in vain. The said officer also visited the house of the lady and examined her husband and two sons. Their statements were duly recorded and it was found that the missing lady was suffering from psychiatric problems.

Heard the learned advocate appearing for the petitioner and considered the materials on record.

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 missing lady was suffering from psychiatric problem and there had been a sincere

endeavour on the part of the police authorities to recover her but in vain. In the said conspectus of facts, we are of the opinion that no interference is called for in the present writ petition and the same is, accordingly, dismissed.

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

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)