

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P. (CRL) No.146 of 2022**

***Tapan Kumar Behera***

.....

***Petitioner***  
***(in person)***

Vs.

***Jyotiranjana Das***

.....

***Opposite Party***

**CORAM:**

**JUSTICE S.TALAPATRA**  
**JUSTICE SAVITRI RATHO**

**ORDER**  
**06.12.2022**

**Order No.**  
03.

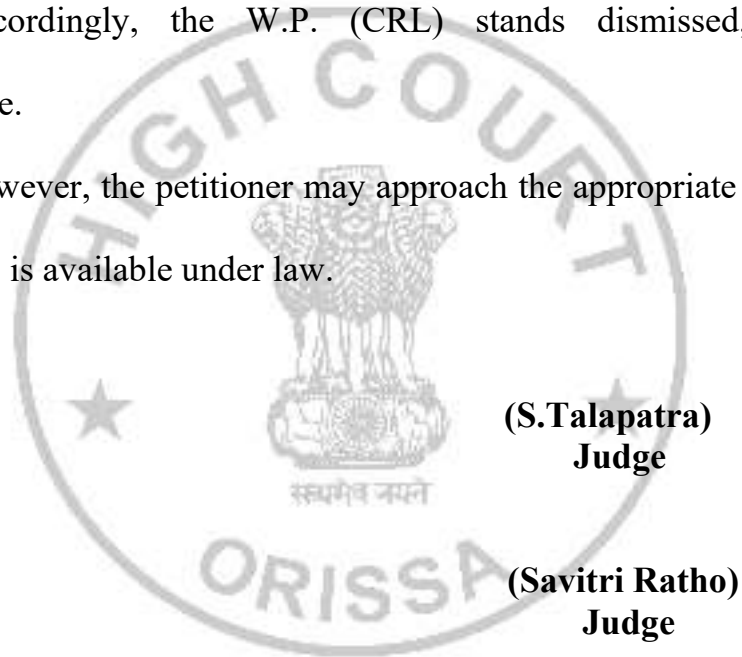
1. This matter is taken up through hybrid mode.
2. We have heard Shri Tapan Kumar Behera, the petitioner in person.
3. Mr. J.Katikia, learned Additional Government Advocate has submitted a report dated 04.12.2022 of the I.I.C., Nandipada Police Station. In the said report, it has been stated that the police has rescued the wife of the petitioner but she has stated that she had left the company of the petitioner voluntarily without any coercion or influence from any quarter. Certain serious allegation has been made against the marital conduct of the petitioner. She has given an elaborate statement in writing to the police. That apart, it appears from the record produced by the I.I.C., Nandipada Police Station that the wife of the petitioner has filed one Matrimonial Suit being C.P. No.1054 of 2022 seeking divorce under Section 13 (1 (i-a) of the Hindu Marriage Act, 1955.

That apart, an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 has been instituted in the Court of the Sub-Divisional Judicial Magistrate, Bhubaneswar being CMC No.568 of 2018. It further appears that an information has been lodged at Bhubaneswar Mahila P.S.

4. Prima facie we are satisfied that the wife of the petitioner has voluntarily left the company of the petitioner and as such this petition for issuance of writ of habeas corpus is not sustainable.

5. Accordingly, the W.P. (CRL) stands dismissed, as not sustainable.

6. However, the petitioner may approach the appropriate forum for remedy as is available under law.



*Bichi*