

01.03.23
Sl-06
Ct.32
(S.R.)

WPA (H) 7 of 2023
Pratap Raut
v.
The State of West Bengal & Ors.

Mr. Dhruba Mukherjee
Mr. Asraf Mondal ... for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP
Mr. Simanta Kabir ... for the State.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner, namely, Pratap Raut (in short, Pratap) married one Bijoya Raut (Sarkar) (in short, Bijoya). They were blessed with a son. Bijoya and her son were peacefully residing along with her husband. On 30th March, 2022, the petitioner submitted a representation to the respondent no.2 alleging that his wife and minor son had been kidnapped by the private respondent. On the basis of such complaint, Karimpur Police Station Case No.107 of 2022 dated 13.05.2022 under Sections 363/365 of the Indian Penal Code was registered but no steps were taken. The petitioner's wife and minor son are still missing.

By our earlier order dated 10th February, 2023, we directed the investigating officer to file a report. Pursuant to such direction a report has been filed by Mr. Kabir, learned advocate appearing for the State. Let the same be

kept on record.

Mr. Kabir, submits that there was a matrimonial dispute between the petitioner and his wife, namely, Bijoya and as such, Bijoya along with her son left her matrimonial house and subsequently lodged a complaint alleging that she had been tortured by her husband and her in-laws. The said complaint was registered as Berhampore Police Station Case No.1483 of 2022 dated 01.11.2022 under Sections 498A/325/34 of the Indian Penal Code. In the proceedings pertaining to Karimpur Police Station Case No.107 of 2022, the victim Bijoya appeared and recorded her statement under Section 164 of the Code stating *inter alia* that she along with her minor son was tortured by the petitioner and her in-laws and as such, she went to Mumbai to reside with her parents.

Heard the learned advocates and considered the materials on record.

We do not find any material to infer that the petitioner's wife and son had been illegally detained. There is a matrimonial dispute between the parties. Bijoya and her minor son are presently residing with her parents.

In view thereof, no further interference is called for in the present writ petition and the same is, accordingly, disposed of.

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.

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