

08.02.2023
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WPA (H) 8 of 2023
Paresh Sardar
- Versus -
The State of West Bengal & Others

Mr. Satyam Mukherjee
... for the Petitioner.

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

Mr. Dipayan Kundu
... for the Respondent nos.7-9.

The present *habeas corpus* petition has been preferred primarily praying for the following relief:

‘a) A Writ in the nature of Habeas Corpus do be issued commanding/directing the Respondent Authorities to forthwith rescue & recover the minor daughter of the Petitioner, namely Juthika Sardar (16 years old) before This Hon’ble Court;’

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner’s daughter, namely, Juthika Sardar (hereinafter referred to as Juthika) went missing on and from 30th July, 2022, when she was only 16 years of age. A complaint to that effect was immediately lodged on 1st August, 2022. Juthika was recovered and placed in a Home from where the petitioner obtained custody and thereafter, she was residing with her parents. Again on 12th October, 2022, Juthika was kidnapped by the private respondents and a complaint to that effect was lodged

on 17th October, 2022 but appropriate steps were not taken by the police authorities. Aggrieved thereby, the petitioner has approached this Court.

Mr. Kabir, learned advocate appearing for the State submits that the allegations levelled against the State authorities are absolutely unfounded. Juthika was having a love relationship with the private respondent no.7. She eloped with the respondent no.7 on 30th July, 2022. On the basis of the complaint lodged alleging that Juthika was kidnapped, Baduria PS Case No.503/22 dated 01.08.2022 was registered and the accused persons were arrested. Juthika was also recovered and placed in a Home, namely, '*Ananda Kendra*'. She was thereafter handed over to her parents and she started residing at her paternal house. The accused persons subsequently were enlarged on bail. On receipt of the second complaint lodged by the petitioner alleging that Juthika again went missing on and from 12th October, 2022, Deganga Police Station Case no.647 of 2022 dated 17th October, 2022 was registered and Juthika was recovered on 7th February, 2023 and again placed in a Home, namely, '*Nijaloy Home*', Madhyamgram and she is presently residing there. Let the status report, as filed, be kept on record.

Mr. Kundu, learned advocate appearing for the private respondents disputes the contention of the

petitioner and submits that they have been unnecessarily impleaded in the present proceeding.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that Juthika was initially recovered and placed in a Home, namely, '*Ananda Kendra*' under the jurisdiction of Baduria Police Station. She was thereafter handed over to her parents. Juthika was having a love relationship with the private respondent no.7 and she again left her paternal house on 12th October, 2022. On the basis of the complaint lodged thereafter alleging that she had been kidnapped by the respondent no.7 with a promise to marry, the police authorities took appropriate steps and recovered Juthika on 7th March, 2023 and she is presently residing at '*Nijaloy Home*', Madhyamgram. We do not find any material on record to infer that Juthika is under illegal detention.

In view thereof, no interference is called for in the present *habeas corpus* 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.

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