

WPA (H) 12 of 2022

(Purnendu Gayen Vs. The State
of West Bengal & Ors.)

Mr. Krishna Deo Das
Mr. Balaram Pandit

..... For the petitioner

Mr. Debabrata Chatterjee
Mr. Parikshit Goswami
Mr. Simanta Kabir

..... For the State

The present writ petition has been preferred
primarily praying for the following relief:-

*“A Writ in the nature of Habeas Corpus do
issue commanding upon the respondent state
authorities particularly the Deputy
Commissioner of Police, Kolkata Police,
Eastern Suburban Division, the respondent no.
4 and the Officer-in-Charge (O.C.), Beliaghata
Police Station, the respondent no. 5, to
forthwith trace out, rescue and produce the
body of the wife and ten (10) years old minor
daughter of the petitioner who are missing
since 20.11.2021.”*

Mr. Krishna Deo Das, learned advocate appearing
for the petitioner, namely, Purnendu Gayen (in short,
Purnendu) submits that Purnendu married one
Mamata Gayen (in short, Mamata) in the month of
May, 2009. They were blessed with a female child.
Purnendu along with Mamata and their daughter were
peacefully residing thereafter at P-225, C.I.T. Road,
Scheme – IV (M), Kolkata – 700 010. Surprisingly, on
20th November, 2021, Mamata along with her minor
daughter went missing. Purnendu thereafter came to

learn that Mamata had married one person, who is a resident of Odisha. Such fact was reported to the respondent no.5 on 1st February, 2022. However, no steps were taken by the police authorities and aggrieved thereby, the petitioner has approached this Court.

Mr. Kabir, learned advocate appearing for the State submits that the writ petition has been preferred suppressing material facts. Purnendu initially lodged a complaint before the Mohanpur Police Station and on the basis of the same, Mohanpur PS Case No. 366 dated 21st December, 2021 under Sections 363/365 of the Indian Penal Code (in short, IPC) was registered. In course of investigation it was ascertained that Mamata had also lodged a complaint and on the basis of the same, Mohanpur PS Case No. 367 dated 25th December, 2021 under Sections 498A/323/406/34 of IPC was registered and thereafter a final report was submitted in Mohanpur PS Case No. 366 dated 21st December, 2021 as '*mistake of fact*'. In course of investigation it was also found that Mamata was residing at her parental house situated at Vill & P.O. – Nilda, Police Station – Mohanpur, Dist – West Midnapur along with her minor daughter.

Drawing our attention to the report filed by the respondent no. 5, Mr. Kabir submits that in course of investigation Mamata was interrogated and she submitted that she was undergoing a nursing training

at Odisha and as such, she sometimes stays at Jaleswar, Odisha. Such conversation was videographed by the authorities.

Mr. Kabir further submits that the petitioner filed another writ petition being WPA 4777 of 2022 before this Court claiming similar relief. A copy of the report, as placed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the petitioner has suppressed the fact that earlier on the basis of his complaint Mohanpur PS Case No. 366 of 2021 was registered and that Mamata's complaint was registered as Mohanpur PS Case No. 367 of 2021. It appears from the report that in course of investigation, Mamata was interrogated and it was ascertained that she was residing at her parental house at Vill & P.O. Nilda, Police Station – Mohanpur, Dist- West Midnapur along with her minor daughter. It was also ascertained that she is undergoing nursing training at Odisha and for such purpose, she has to visit Jaleswar, Odisha occasionally.

We do not find any material on record to infer that Mamata or her minor daughter had been illegally detained. The petitioner had approached this Court suppressing material facts.

In view thereof, no interference is called for in the present petition and the same is dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)