

02.11.2023
Item No.04
Court No.5.
S. De/ b.das

WPA 12044 of 2023

Dilruba Khatun.
Vs.
The State of West Bengal & Ors.

Mr. Joy Chakraborty,
Mr. K.S. Alam, ...for the petitioner.

Mr. Jayanta Samanta,
Mr. Dip Jyoti Chakraborty, ...for the State.

Md. Habibur Rahman, ...for the private
respondent.

Supplementary affidavit filed on behalf of the
petitioner is taken on record.

Report filed on behalf of the State is also taken
on record.

Learned counsel appearing on behalf of the
petitioner submits as follows. Pursuant to a
compromise arrived at between the petitioner, the
mother and the respondent/father of the minor
daughter in question (aged about 17 years), it was
decided that the mother would be allowed to have
visitation right and also right to make phone calls to
the child. However, the mother is now being prevented
from meeting the child. Police help was sought, but
was denied.

Learned advocate appearing on behalf of the
private respondent submits that the private

respondent would not come in the way of any such possible meeting between the mother and the child.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to the order dated 25.10.2023 passed by this Court, a representation was made by the petitioner to the police authorities and the police authorities went to the house of the private respondent. But, it appears that the 17 years old daughter does not want to meet her mother.

Although not an adult, the daughter ought to be sufficiently matured being aged about 17 years. She shall be at liberty to choose whom to meet and whom not to meet.

However, to facilitate the meeting between the mother and the daughter as agreed upon earlier, the Officer-in-Charge of the Parnasree P.S. shall provide for the presence of a female police personnel upon the petitioner intimating the Officer about the date and time of such possible meeting within a 24 hours' notice.

It is reiterated that it shall be open to the child to decide whether to meet the petitioner or not.

No further order need be passed in this regard.

With these observations, the writ petition being WPA 12044 of 2023 is, accordingly, disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Jay Sengupta, J.)