

07.06.2022
Item No.22
Court No.32
Avijit Mitra

WPA (H) 42 of 2022

In re: An application under Article 226 of the
Constitution of India;

And

Biswajit Bar

-vs-

State of West Bengal & ors.

Mr. Sk. Toslim Ali,

Ms. Saba Parween

....for the petitioner

Mr. Sabir Ahamad,

Mr. Simanta Kabir

...for the State

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

- (a) *'A writ of and/or in the nature of habeas Corpus do issue commanding the respondent authorities, more particularly the police authority concerned, forthwith to produce the petitioner's sister Before the Hon'ble Court and to be set at liberty.'*

Ms. Parween, learned advocate appearing for the petitioner submits that the petitioner's sister, namely, Sudha Mistri (in short Sudha) was married to one Nripen Mistri (in short, Nripen) about six years ago. She was blessed with a male child and they were residing along with Nripen in her matrimonial house. In the year 2022, Nripen along with Sudha and their minor child went to the State of Tamilnadu for engagement in a job. Subsequent thereto, the petitioner did not get any information as regards the whereabouts of Sudha.

Sudha's in-laws were approached but they also could not furnish any information. As such, the petitioner was constrained to lodge a formal complaint and though the same was registered as Amta Police Station Case No.53 dated 27th February, 2022 under Sections 498A/324/370/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the police authorities did not take appropriate steps and Sudha was not recovered. Aggrieved thereby the petitioner has approached this Court.

Mr. Kabir, learned advocate appearing for the State denies and disputes the contention of the petitioner and submits that the petitioner's complaint was registered as FIR and in course of investigation Nripen and his mother were arrested. The Investigating Officer went to Chennai and conducted raid at different places including the rented house where the couple used to reside and the landlady was also examined. In spite of such sincere endeavour, Sudha could not be recovered. However, the investigation is still continuing. Answering our query, Mr. Kabir informs that Sudha's son is presently residing with the petitioner.

Heard the learned advocates appearing for the respective parties.

Sudha is an adult lady. It appears that there was a matrimonial dispute between Sudha and Nripen. The petitioner's complaint was registered as FIR and in course

of investigation Nripen as well as his mother were arrested and interrogated. Raid was conducted by the Investigating Officer at several places in Chennai and he took all possible steps for ascertaining the whereabouts of Sudha. Her particulars were also uploaded in the tracking portal and in spite of such efforts Sudha could not be recovered. In the said conspectus of facts and as there is nothing on record to infer that Sudha had been illegally detained, no further interference is called for in the present writ petition.

Needless to observe, the police authorities shall conduct the investigation in a fair and impartial manner and bring the same to its logical conclusion, as expeditiously as possible.

Nothing herein shall, however, prevent the petitioner from taking appropriate steps before any other forum, if so advised and in accordance with law.

With the above observations and directions, the writ petition is disposed of.

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.)