

**Karim Sk**

## The State of West Bengal & Ors.

(S.R.)

... for the petitioner.

Ms. Amrita Panja Moulick ... for the State.

Mr. Sagnik Mukherjee ... for the respondent nos.6 & 7.

The present *habeas corpus* petition has been

‘a) A writ of and/or in the nature of Habeas Corpus commanding the respondent authorities, their men, agents, associates and each of them and more particularly Respondent No.3, 4 & 5 to produce the wife of the petitioner.’

Mr. Mitra, learned advocate appearing for the petitioner submits that the petitioner, namely, Karim Sk. (in short, Karim) married one Nikita Bouri (in short, Nikita) and such marriage was duly registered, as would be explicit from the certificate of marriage issued by the competent authority on 14<sup>th</sup> December, 2020. After such marriage, Nikita was residing with Karim at her matrimonial house. However, she also used to visit her parental house occasionally. On 7<sup>th</sup> November, 2022 Nikita submitted a representation to the Commissioner of

Police stating that she is major and they were planning for a social marriage and she urged that the police officials should not take cognizance of any false case, which might be lodged by her family members.

Mr. Mitra, submits that on the very next date, i.e., on 8<sup>th</sup> November, 2022 the respondent no.7 being the mother of Nikita lodged a complaint which was registered as Raniganj Police Station Case No.593/2022 dated 8<sup>th</sup> November, 2022 under Sections 363/365 IPC. Within a few hours after lodging of such complaint, surprisingly, the police officials attached to the Jamuria Police Station became very active and they entered Karim's house and forcibly took away Nikita from her matrimonial house. Such action of the police authorities is not sustainable in law and in the said conspectus immediate interference is called for and Nikita should be allowed to peacefully reside with Karim at her matrimonial house.

He submits that Karim's complaint to that effect lodged on 8<sup>th</sup> June, 2023 before the Commissioner of Police, Asansol was also not attended to and as such he was constrained to prefer the present *habeas corpus* petition.

Mr. Bose, learned advocate appearing for the respondent nos.6 and 7 being the parents of Nikita denies and disputes the contention of Karim and submits that Nikita was forcibly abducted by Karim and as such, the

respondent no.7 was constrained to lodge a complaint on 8<sup>th</sup> November, 2022, which was registered as Raniganj Police Station Case No.593/22. In connection with the said proceeding, the victim lady was produced before the learned Magistrate and an order was passed by the learned Magistrate on 8<sup>th</sup> November, 2022 directing, *inter alia*, that the victim lady may be released on furnishing P.R. bond of Rs.1,000/- on condition that she shall have to reside at her father's house at Danalia Village, Egara, Raniganj PS. On the basis of such order, Nikita is presently residing with her parents at the above address. In view thereof, it cannot be alleged that Nikita has been illegally detained. Subsequent thereto, Nikita has also preferred a Matrimonial Suit No.351 of 2023, which is pending in the Court of learned District Judge, Paschim Bardhaman, Asansol. Let the documents, as produced, be kept on record.

Ms. Panja Moulick, learned advocate appearing for the State submits that on the basis of the complaint lodged by the respondent no.7 on 8<sup>th</sup> November, 2022, Raniganj Police Station Case No.593/22 was registered. On the basis of the requisition for police assistance sent to Jamuria Police Station, the police officials visited Karim's residence but they were assaulted and prevented from carrying out their duties. In view thereof, a *suo motu* complaint was lodged by the SI attached to Kenda PP, PS

Jamuria and the same was registered as Jamuria Police Station Case No.549 of 2022 and upon completion of investigation, charge sheet has been submitted in the said case. Nikita is presently residing at her parental house and she had also lodged further complaints on 11<sup>th</sup> May, 2023 and on 5<sup>th</sup> July, 2023 alleging, *inter alia*, that she is being threatened of dire consequences by Karim and his family members. Let the report, as placed before this Court, be kept on record.

Records reveal that Nikita is an adult lady. On the basis of the order dated 8<sup>th</sup> November, 2022 passed by the learned Magistrate, Nikita is residing with her parents. In the said conspectus, we do not find any material to infer that Nikita had been illegally detained and in view thereof, no interference is called for in the present *habeas corpus* petition.

The *habeas corpus* petition being WPA (H) 35 of 2023 is, accordingly, disposed of.

It is made clear that nothing in this order will prevent the petitioner from taking necessary steps before any other forum, if so advised and in accordance with law.

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

Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

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