

19.07.2023
Item No. 30
BR

WPA 16084 of 2023

Sk.Sarafat Ali
-vs
State of West Bengal & Ors.

Mr. P.K.Pakrashi,
Ms. Nasreen Islam,
Mr. Suken Bar
.... For the petitioner

Md. Malik Uddin
. . .For the respondent no. 10

Mr. Saikat Chatterjee,
Mr. Prashant Kumar Tripathi
.... For the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take immediate action regarding kidnapping of the petitioner's daughter and if necessary transfer the case to the Central Bureau of Investigation.

Affidavit of service filed in Court today by the petitioner is taken on record.

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

A copy of the Nikahnama filed on behalf of the private respondent no. 10 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's daughter went missing from the tuition class. The victim girl is aged about 19 years now. After a thorough search when the victim could not be found the petitioner approached the police station. Accordingly, a missing diary was lodged. Since the girl was not recovered the petitioner was constrained to lodge an FIR on 17.7.2023. The police have taken no step in this regard. An appropriate direction may be given so that the petitioner's daughter is recovered.

Learned counsel appearing on behalf of the State relies on a report and submits as follows. Actually there was a love affair between the petitioner and the respondent no. 10. It was alleged that the victim girl was missing and a missing diary was

lodged on 14th June, 2023. The victim girl was in fact recovered on 4th July, 2023. As she did not want to go to her parents' house, she was sent to the Sister Nibedita Children Home for girls at Borgoda Goda, Nandakumar, Purba Medinipur for her care and protection. Her recovery was clearly intimated to the present petitioner. Yet, he chose to lodge an FIR dated 17th July, 2023. The police instituted an FIR on the basis of the petitioner's complaint, which is being investigated. There is thus no merit in the allegation of police inaction made by the petitioner.

Learned counsel appearing on behalf of the respondent no. 10 relies on the Nikahnama and submits that there was a long standing love affair between the victim girl and the respondent no. 10 and they are married now.

I have heard the learned counsels appearing for the parties, perused the writ petition and also the report and the copy of the document filed by the respondent no. 10.

It appears that the police did recover the petitioner's daughter. Since

the daughter did not want to go to the parents home, she was kept at a secure home.

In spite of this the petitioner went on to lodge the FIR, which was registered and is being investigated.

Therefore, there is no question of any police inaction on the part of the respondent authorities .

Accordingly, I do not find any merit in the petitioner's case.

Therefore, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order ,if applied for be given to the parties as expeditiously as possible.

(Jay Sengupta, J.)