

31.07.2023
rpan/06

WPA (H) 36 of 2023
Vidyanand Jha a.k.a Bibhuti Jha
– Versus –
The State of West Bengal & Others

Mr. Rohit Das,
Mr. S. B. Dasgupta,
Mr. Indradip Das,
Ms. Kishwar Rahaman,
... for the Petitioner.
Mr. Debabrata Chatterjee,
Mrs. Amrita Panja Moulick
... for the State.
Mr. Debabrata Sardar
... for the Respondent nos.4 & 5.

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

‘a) A writ of and/or in the nature of Habeas Corpus do issue commanding the respondents no.1 to 3 and other respondent authorities concerned, each one of them, their men, agents, servants and/or subordinates to forthwith produce the body of the petitioner’s wife viz., Afroza Parvin, before this Hon’ble Court and to restore her custody to the petitioner herein.’

Mr. Das, learned advocate appearing for the petitioner, namely, Vidyanand Jha (in short, Vidyanand) submits that the petitioner is a student pursuing a degree in Bio-science from Vijaygarh Jyotish Ray College affiliated to the University of Calcutta. While studying there he met with one Afroza Parvin (in short, Afroza), aged about 22 years, and he

subsequently fell in love with her. Afroza's parents, however, opposed such relationship. On 27th April, 2023, Afroza left her parents' house and came over to the petitioner's parental house and expressed her desire to reside with Vidyanand. Falsely accusing that Vidyanand had abducted Afroza, the respondent no.4 lodged a complaint at Narendrapur police station and thereafter the respondent no.4 along with some anti social elements entered the petitioner's residence and attempted to forcibly take away Afroza from Vidyanand's parental house though Afroza was willing to stay with Vidyanand. Thereafter on 4th May, 2023 Vidyanand married Afroza, in accordance with Hindu rites and customs. Such marriage was consummated and they were living as husband and wife. On 15th June, 2023 Afroza went to meet with her parents as they wanted to resolve the dispute. After she reached her parental house the respondent no.4 and other relatives prevented her from returning to her matrimonial house. Stating such fact Vidyanand lodged a written complaint on 21st June, 2023 but the police authorities did not take any steps. Aggrieved thereby, the petitioner has approached this Court.

Mr. Das submits that the petitioner entered into a matrimonial relationship with Afroza. Both of them are adult persons and as such, Afroza should be allowed to reside with the petitioner and to lead

peaceful matrimonial life. The parents of Afroza are standing in the way and are preventing Afroza to return to her matrimonial house.

By an earlier order dated 14th July, 2023 this Court directed the respondent no.3 to file a report as regards the steps taken on the basis of the complaint lodged by the petitioner.

Mr. Chatterjee, learned advocate appearing for the State respondents submits that after such order was passed by this Court, the petitioner along with anti social elements went to Afroza's house and attempted to abduct Afroza. A complaint to that effect was lodged by Afroza herself on 15th July, 2023 and the same was registered as Narendrapur Police Station Case no.651/23 dated 15th July, 2023 under Sections 363/511/506 IPC.

Mr. Chatterjee further submits that the statement of Afroza has also been recorded under Section 164 of the Code wherein she has stated that she is willingly reside with her parents. She has also disputed the allegation that she is pregnant. Let the report, as placed, be kept on record.

The learned advocate appearing for the respondent nos.4 and 5 also submits that Afroza is willingly residing at her parental house.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, both the petitioner and Afroza are adult. The petitioner alleges that he had married Afroza and she has been forcibly confined in her parental house. Afroza, however, by recording her statement under Section 164 of the Code had stated that she is willingly residing with her parents. The complaints lodged by the petitioner as well as by Afroza have been registered and investigation in the same is still continuing.

In the said conspectus and as we do not find any material to infer that Afroza has been illegally detained, no interference is called for in the present *habeas corpus* petition, being WPA (H) 36 of 2023 and the same is, accordingly, disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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