

WPA 18502 of 2023

Rashida Hussain Nafis @ Rashida Hussain
-vs-
The Union of India & ors.

Mr. Prabir Adhya
...for the petitioner
Mr. Kumar Jyoti Tewari
Mr. Partha Chakraborty
..for the respondent nos. 1 to 3

Mr. Somnath Ganguli
Mr. Priyamvada Singh
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

It appears that one the respondents could not be served as he had moved.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner got married to the respondent no.7 in 2014. When the petitioner was in the family way, she returned to her paternal home. Twin babies were born. When she came back to her matrimonial home, she was informed that the husband has gone abroad. She again went to her paternal home. Afterwards, she returned and demanded articles belonging to her that were kept at her matrimonial home. She was denied such articles and was driven out. In 2016, she lodged an FIR under sections 406 and 498A of the Indian Penal Code. Subsequently, a charge-

sheet was filed in the same. In January 2020, a warrant of arrest was supposedly issued against the respondent no.7. But, till date the prosecution has not been able to ensure the attendance of the accused. The police authorities as well as the passport authorities are not taking sufficient steps to have the passport of the errant respondent cancelled and/or for bringing him back home for trial.

Learned counsel appearing on behalf of the Passport Authorities relies on a report, which is taken on record and submits that the Passport Authorities in India have already sent communications to the Indian Embassy at Qatar and they are in the process of taking steps in this regard.

Learned counsel appearing on behalf of the State relies on a report which is taken on record and submits that after lodging of the FIR, a charge sheet was submitted. When the warrant of arrest could not be executed, steps were taken for issuance of proclamation and attachment. Further effort is being made to ensure the attendance of the accused.

It appears that the police and the Passport Authorities have taken some steps in trying to get the private respondent back to India to face the proceedings initiated by the petitioner. However, they ought to show more expedition in doing so.

Since the Passport Authorities have already communicated the matter to the Indian Embassy at Qatar who are supposedly taking steps in this regard, let the petitioner pursue the matters with the Passport Authorities

and the police by making necessary representations which shall be decided in accordance with law.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)