

102 28.08.2023
NB Ct. 14

WPA 19178 of 2023

Manoranjan Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Parasar Baidya,
Mr. Gulsanwara Pervin,
Mr. Arka Ranjan Bhattacharyya.
...for the petitioners.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.
...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 steps after registering an FIR on the basis of complaints made by the petitioner on 04.06.2023 and 24.06.2023 about the kidnapping of her minor daughter.

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the grandfather and the mother of the victim girl. The accused had kidnapped the victim girl and got her forcibly married. However, the police have not taken any steps to recover the victim girl.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The minor girl is 17 years 8 months old. In the month of May, 2023, a similar allegation was made by the petitioners. The girl was recovered and her

statement was recorded under Section 164 of the Code. There, she clearly stated that she had a fight with her family members and left the home voluntarily. She had even said that she had an affair with one of the accused. However, a charge sheet was submitted in that case. In the present case, the investigating officer is looking for the girl child. A request has been made for paper publication, which would be done soon.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the girl is still a minor. Therefore, if she is allegedly kidnapped by someone or has even eloped with someone, it is the duty of the police to recover the girl and after recovery, if the victim girl refuses to go back to the parents, she ought to be kept at a care Home at least till she attains majority.

Merely because the girl was earlier recovered in a similar case a few days ago, it is not meant that the above exercise need not be done on the present allegations.

Let the police investigate the matter with care and recover the victim girl expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

