

September 12, 2023
AD 9
Court No.14
SG

WPA 19442 of 2023

Nishat Firdous
vs.
The State of West Bengal and others

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay
... for the petitioner
Mr. Sk. Md. Galib
Mr. Gourav Das
... for the State

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is an adult lady although still a student. She fell in love with an individual belonging to another faith. This relationship was resisted by her family members, which compelled her to come out. The couple have got married under the Special Marriage Act and are residing at the house of the petitioner's husband. Yet, the father of the petitioner initiated a criminal case in this regard being Mothabari Police Station Case No.168 of 2023 dated 03.06.2023 under Sections 363/365 of the Penal Code. The husband is apprehending coercive action. In fact, both the petitioner and her husband apprehend that some communal flare up might take place in this regard.

Learned advocate for the State relies on the report and submits as follows. As was submitted earlier, there is no apprehension of any communal flare in respect of the marriage between the petitioner and her husband

who belong to different faiths. The police have already collected documents regarding the marriage. On 26.08.2023 the petitioner was examined in the presence of a lady escort. On 28.08.2023 she was also examined under Section 164 of the Code. After completion of investigation, a final report as a mistake of fact being Mothabari PS FRMF No.216/2023 dated 31.08.2023 has been submitted.

It appears that the marriage in question has not evoked much attention in the locality.

Furthermore, the case started by the petitioner's father against her husband has ended in a final report.

Therefore, no further order need be passed in this regard.

The local police authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]