

WPA 20495 of 2023

Bratati De
-vs-
State of West Bengal & ors.

Mr. Fazlur Rahman
Mr. Argha Banerjee
...for the petitioner
Mr. Sandipan Maity
..for the private respondent no.5
Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
...for the State

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an adult person. She is the daughter of the respondent no.5. Out of her own free will, the petitioner got married to a person belonging to an another faith. The respondent no.5 could not tolerate this. Accordingly, he filed a false complaint being Kaliganj PS Case No. 227 of 2023 dated 15.04.2023 under Sections 363 and 365 of the Indian Penal Code. The petitioner is happily married and is leading a peaceful life. There is no question of forcible conversion. Although the petitioner has expressed her willingness to have her statement under Section 164 of the Code recorded, the Investigating Officer is not doing so.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. It is a fact that the victim was actually kidnapped. However, the petitioner has no objection if a statement of the victim is recorded under Section 164 of the Code.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Initially a missing diary was lodged and thereafter, Kaliganj PS Case No. 227 of 2023 dated 15.04.2023 was registered on the complaint of the father of the petitioner. Several efforts were made to recover the victim girl, but in vain. A information was received that the petitioner was converted into Islam and thereafter given in marriage to the accused. Investigation is going on.

It is quite interesting to read what has been stated in the report filed by the State -

“ It is note that the above missing incident was happened on 12.04.2023 and the victim as well as complainant's daughter got married on 14.06.2023. So it is crystal clear that the petitioner's daughter was kidnapped by the FIR named accused person namely Sk Washim Raja S/O Ahab Ali of Ghoshalchak Muslimpara, PS- Rajapur, District Howrah and others also concealed her and compelled to converted her to Muslim custom as to marry.”

It is indeed very difficult to understand the proper and meaning and purport of this portion of the report. It appears

that the Investigating Officer is presuming that there was a kidnapping and a forcibly conversion because the victim men missing on 12.04.2023 and she got married on 14.06.2023.

One is, thus, made to ponder about what kind of investigation is going on in this case.

Furthermore, there is no reason for the Investigating Agency not to have the statement of the victim girl recorded under Section 164 of the Code when she herself wants to give such a statement.

Let the further investigation of the case be conducted by the Officer in Charge of the Kaliganj Police Station himself expeditiously and in accordance with law.

Even otherwise, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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.)