

16 06.12.2023
NB Ct. 14

WPA 23367 of 2023

Priyanka Agarwal (Sharma)
Vs.
The State of West Bengal & Ors.

Mr. Akash Ganguly,
Mr. Aniruddha Ganguly.
..for the petitioner.

Mr. Asim Kr. Ganguly,
Sk. Md. Masud.
...for the State.

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal.
...for the respondent no.7.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the respondent no.7. The private respondent had been torturing the petitioner which compelled the petitioner to lodge an FIR being Barasat PS Case No.640 of 2023 dated 08.09.2023 under Section 498A of the Penal Code. In fact, the petitioner had to leave her husband's house along with her minor daughter out of fear. Of late, the petitioner had received certain calls from the officer of the local police station asking her to meet the police in connection with a case started by her husband. The petitioner does not have any clue about the case, but she apprehends that if she goes near the private respondent, he might act violently or even kidnap the minor daughter.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ

petition are denied. Since the petitioner had gone missing from the respondent's house, he was constrained to lodge an FIR with the local police station for abduction of the petitioner being Nischinda PS Case No.163 of 2023 dated 05.09.2023 under Sections 363 and 365 of the Penal Code. The private respondent has come to know that the petitioner is now living with her paramour and boss, one Samrat Islam.

Learned counsel appearing on behalf of the State relies on the report and submits that the police had only acted on the basis of a complaint lodged by the private respondent.

Since a criminal case had already been registered by the private respondent alleging abduction of his wife, let the case be taken to its logical conclusion. The Investigating Officer of the case shall be at liberty to visit the petitioner at a place of her choice at the daytime along with a lady police constable/police officer so as to record her statement under Section 161 of the Code. For this, the Investigating Officer shall give a 48-hours' notice to the petitioner.

No further order need be passed in this regard.

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.)