

WPA (H) 73 of 2022
Sk. Abu Sama
v.
The State of West Bengal & Ors.

05.01.2023 SL-01 Ct.32 (S.R.)	Ms. Pampa Dey (Dhabal) Mr. Balaram Pandit Mr. Sabir Ahamed Mr. Simanta Kabir	... for the petitioner. ... for the State.
--	---	---

The present writ petition has been preferred primarily praying for the following relief: -

“a) A Writ in the nature of Habeas Corpus do issue commanding upon the respondent state authorities particularly the Superintendent of Police (SP), Paschim Medinipur, the state respondent No.3 herein, and the Inspector-in-charge (I.C.), Dantan Police Station, the state respondent No.4 herein, to forthwith trace out, rescue and produce the body of the wife and few months old baby daughter of the petitioner, before this Hon’ble Court, who are in illegal and/or wrongful confinement of the private respondents No.5 and 6;”

Ms. Dey (Dhabal), learned advocate appearing for the petitioner submits that the petitioner got married with the daughter of the private respondents on 20.01.2021 and they were blessed with a female baby on 01.01.2022 and thereafter his wife went to her parental house along with the said baby on 15.01.2022 but she did not return and she along with her child has been illegally detained by the private respondents being his parents-in-law. The writ petitioner made a complaint to the concerned Officer-

in-charge of Dantan Police Station on 15.12.2022 but in spite of receipt of such complaint, the police authorities did not take any step to recover the wife and child of the writ petitioner and to hand over their custody to the writ petitioner. The writ petitioner also made application under Section 154(3) of the Code to the Superintendent of Police, Paschim Medinipur on 15.12.2022 but no steps were taken. Aggrieved thereby, the writ petitioner has approached this Court.

Mr. Kabir, learned advocate representing the State respondents submits that on the basis of the complaint one General Diary being Dantan Police Station GDE No.780 dated 15.12.2022 was lodged and in connection therewith one enquiry was also held by the police authorities and wife of the writ petitioner has made a declaration that she has been living in her parental house voluntarily and she alleged that her husband and other members of her in-law's family neglect herself and her child and hence, she has been living with her parents on her own volition. The documents, as submitted by Mr. Kabir, are kept on record.

A writ in the nature of *habeas corpus* is a prerogative writ by virtue of which the causes and validity of detention of a person are investigated by a summary procedure.

In the given case the wife has been living in her parental house voluntarily along with his daughter so,

this Court does not find any element to infer that the wife and child of the writ petitioner have been illegally detained.

In view thereof, no interference is called for in the present petition. The *habeas corpus* petition being WPA (H) 73 of 2022 is, accordingly, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)