

November 22, 2023
Sl. No. 25
Court No.2
s.biswas

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2521 of 2023

Habijan Bibi

vs.

The State of West Bengal and others

Mr. Subhasish Misra

... for the petitioner

Mr. Pretom Das

Ms. Bedushriti Bose

... for the State

The petitioner alleges that her daughter went missing from her matrimonial home. With such allegation, she had lodged a complaint with the police authorities at Sahebganj Police Station, Cooch Behar. On the basis of such complaint, Sahebganj Police Station Case No.117 of 2023 dated April 9, 2023 under Section 365/109 of the Indian Penal Code was registered.

According to the petitioner, the whereabouts of her daughter was not traced by the police authorities, although complaint had been registered and investigation had been initiated.

It is further stated that the investigation is not progressing at all. The petitioner prays that a direction be passed upon the police authorities so that the daughter of the petitioner be recovered.

The police authorities have filed a detailed report, which indicates that the daughter of the petitioner married Mominur Hossain approximately 16 years ago, according to Muslim customs. A child was born, namely, Ashik Hossain, who is now 15 years old. Few years after the marriage, the daughter of the petitioner and Mominur along with their child went to Delhi. The couple separated approximately 3/4 years ago and the petitioner's daughter returned to her paternal house and started staying there. The son of the couple continued to reside with his aunt at Delhi. He refused to reside with his mother. The petitioner's son-in-law married another woman and went to Mumbai to work and has not returned since then.

During investigation, the investigating officer visited the place of occurrence and took down the statements of local witnesses. The investigating officer was informed that the couple separated and since then the petitioner's daughter was staying at her paternal house at Dinhata and did not ever return to her matrimonial home at Jaigir Balabari.

The petitioner's son-in-law married to another woman and did not come back to his native village at Jaigir Balabari. The investigation revealed that

when Ashik Hossain was a child, his mother took him and ran away with another person. Few days later, Ashik was handed over to his father Mominur. It was last known that the daughter of the petitioner was residing at her parental house at Dinhata and neither Mominur nor the petitioner's daughter ever went back to the matrimonial house at Jaigir Balabari. The investigation is proceeding.

Under such circumstances, the contention of the petitioner that the police authorities have not conducted any investigation is not correct. The police authorities have produced enough material to show that they have proceeded on the basis of the complaint received and they have also taken down the statement of the persons in the locality.

The police authorities are directed to complete the investigation in a free, fair and time-bound manner.

The writ petition is accordingly disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)