

WPA 11860 of 2024

Dilruba Khatun
-vs-
The State of West Bengal & ors.

Mr. Kazi Sajjad Alam
Mr. Mainul Thander
Ms. Afsana Khatun
..for the petitioner
Mr. Md. Habibur Rahman
...for the respondent no.4
Mr. Anirban Ray
Ms. Munmun Ganguly
Mr. Debraj Sahu
...for the State respondent

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 the former wife of the respondent no.4 who is an Assistant Sub Inspector of Police working in the Kolkata Police. Earlier, the 17-years old daughter of the petitioner was staying with her father at his residence. However, she was unhappy there. Among other things, for the last one and half years, the private respondent did not allow his daughter even to meet her mother. The daughter was tortured both mentally as well as physically. In the last few months, the father stopped all tuitions of the daughter. Often, he would abuse and assault

the daughter. That is why, the daughter wanted to leave the father's house and stay with her mother. Accordingly, on 23.04.2024, after writing a letter to the local police station, the daughter of the petitioner left her paternal home, went to her mother's place and started staying there. On this issue, the father became furious. The said father went to the local police station and the local police officer called up the petitioner in the middle of night in between 23.04.2024 and 24.04.2024. The petitioner apprehends that the father in league with the police officials would harass the petitioner and her minor daughter.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits as follows. All along the private respondent had taken good care of his daughter. However, all of a sudden, he found that there was a change in her minor daughter. On the particular day, when the private respondent came back home, he did not find his daughter. There was no communication available. He immediately went out the police station and lodged a missing diary. On the said complaint, the police officers might have called up the mother/petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The private respondent had lodged a complaint that his daughter was kidnapped because he was actually not being able to trace out of his minor daughter. The concerned police officer explored all possibilities and out of clear concern, called up the petitioner

i.e., the mother of the minor daughter at the mid night. However, the petitioner did not take the phone. The Superior Authorities have cautioned the Officer to exercise restraint in dealing with such sensitive matters.

Heard the learned counsels for the parties and the minor girl in Court in an in-camera proceeding.

It is indeed a case of much ado about nothing. The minor daughter is sufficiently mature now. If she wants to stay at the mother's place, she shall be at liberty to do so.

However, if the petitioner did not find the minor daughter at his house, it was quite natural for him to complain before the police.

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

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

If any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to approach the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

