

26.06.2024
Item No.3
Ct. No.26
CHC

W.P.A (H) 44 of 2024

**Sri Amit Chowdhury @ Amit Chowdhury
Vs.
The State of West Bengal & ors.**

Mr. Dipanjan Chatterjee, Advocate
Mr. Rudra Prasad Sinha, Advocate
Ms. Aparupa Bhattacharya, Advocate
...for the petitioner

Mr. Rana Mukherjee, Ld. A.P.P.
Mr. Simanta Kabir, Advocate
...for the State

Police submitted a report which be taken on record.

The Habeas Corpus writ petition is at the behest of the husband claiming that, his wife along with two children are missing.

Before the police, wife and the children of the writ petitioner presented themselves. The wife recorded her statement under Section 164 of the Criminal Procedure Code where, she states that, she was used to be physically assaulted by the petitioner on a daily basis. She also claimed that, the children were also beaten up. She made a complaint to the local police station with regard thereto. She left the matrimonial home along with her two children being not able to tolerate the torture any further.

One of the children of the writ petitioner also recorded a statement under Section 164 of the Criminal

Procedure Code where the child corroborated the statement of the mother of such child.

The children are with their mother. We are not in a position to return a finding that, the children are in the custody of a person who is not authorized in law to be in custody of the children.

Wife is an adult. She left the matrimonial home voluntarily.

All the persons against whom, the petitioner lodged the police complaint were found by the police.

In such circumstances, we find no merit in the present writ petition.

W.P.A(H) 44 of 2024 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)