

S/L 868
23.12.2024
Court. No. 29
*Suvayan/
Sourav*

WPA (H) 94 of 2024

**Earshad Ali Mondal
Vs.
The State of West Bengal & Ors.**

*Mr. Debabrata Mondal
Mr. Kaushik Dasgupta*
...for the petitioner.

*Ms. Munmun Ganguly
Mr. Sayan Ganguly*
...for the State.

*Ms. Juin Dutta Chakraborty
Mr. Debasish Mundu*
...for the respondent no. 8.

Dictated by Arijit Banerjee, J.

1. The petitioner has approached this Court with the grievance that his daughter who was married in March, 2024, was finally driven out of her matrimonial home and she went missing in November, 2024. He prays for a writ of *Habeas Corpus*.
2. The inspector of police, Nadanghat P.S., Purba Bardhaman has filed a report addressed to the learned Government Pleader dated December 15, 2024 which we take on record.
3. The relevant paragraphs of the said report read as follows:

“2. During investigation the I.O observed the very basic formalities of investigation. Had been to the in-laws house of the Victim Lady (under Nabadwip PS under Nadia District)

and investigated the case locally. He examined the alleged persons (including the husband of the lady) and came to know (from the husband) that the very lady has divorced him (as Khulla under Muslim Marriage) and married some other individual. As per the same the said lady was staying outside and was not available at the place (at her in-laws house under Nabadwip PS).

3. The I.O went for electronic surveillance to trace out the said missing lady and somehow could be able to contact with that lady (over phone),

4. The very missing Victim Lady (almati Khatun) appeared before the I.O (at Nadanghat PS) on 04-12-2024 and so accordingly she was examined by the I.O and her statement was recorded by the I.O U/S 180 BNSS.

5. During examination the said lady clearly stated that she has divorced her husband Sagar Sk (by way of Khulla as per Muslim Marriage Shariya Law) and left her in-laws house at her own. She also admitted that she has also married one another guy (as per Muslim Marriage Shariya Law) namely Abdus Salam. Now she is having a very peaceful conjugal life with said Abdus Salam (the 2nd husband). She did not inform the matter to her father only because of the fact that her father might be objecting to her decision. She also admitted that she did not remain in

contact with her father (the instant petitioner) even after all those happenings. Finally she stated that she is married to some other guy, having her peaceful conjugal life and have no complaint against anyone for any wrongdoing.

6. After Examination (by the I.O.) the very lady (Almati Khatun) was sent to the Court Ld. ACJM, Kalna to get her statement recorded U/S 183 BNSS and so accordingly the statement was recorded by the Ld. J.M. of Kalna Court. As the lady was adult so she was released at her P.R. Bond from the Ld. Court after 183 BNSS Statement.

7. The Copy of 183 BNSS statement was collected from the Ld. Court and it could be seen that the very lady (Almati Khatun) has stated that she has divorced her 1st husband (Sagar Sk) and married one Abdus Salam (as her 2nd husband). She almost stated same thing as it was stated before the I.O.

8. After return of the missing lady and thereafter the subsequent Court proceedings (i.e. appearance before the Ld. Magistrate as well as 183 BNSS statement) the father of that lady (i.e. the instant petitioner) was informed about all those happenings.”

4. In view of the above, it cannot be said that the said lady is missing anymore. Hence, this writ application for *Habeas Corpus* stands disposed of.

5. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)