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14.05.2025
Ct. No. 11
Jayanta

WPA (H) 14 of 2025

Swapna Chakraborty
vs.
State of West Bengal & Ors.

Mr. Goutam Misra
Mr. Vaskar Pal

....For the Petitioner.

Mr. Rana Mukhrjee, Ld. APP
Mr. Simanta Kabir

....For the State/Respondents.

Mr. Subrata Bhattacharyya
Ms. Dipa Bhattacharya

....For the Respondent No. 11.

The present writ petition has been preferred, *inter alia*, praying for issuance of necessary direction upon the police authorities to recover and produce the petitioner's daughter, namely, Moumita Ghosh (in short, Moumita).

Mr. Misra, learned advocate appearing for the petitioner submits that her daughter, namely, Moumita went missing from her matrimonial house on and from 29th October, 2024. Thereafter several complaints were lodged but no steps were taken by the police authorities to trace out her daughter. Aggrieved thereby, the petitioner has approached, this Court.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State respondents submits that the petitioner's daughter is an adult lady, who married the respondent no. 11 and was all along residing at her

matrimonial house. However, due to a matrimonial dispute she left her matrimonial house willingly.

He further submits that a complaint was lodged by the petitioner alleging that her daughter was being subjected to cruelty in her matrimonial house. Pursuant to the said complaint, a Zero FIR case dated 18th November, 2024 under Section 140 (3) BNSS was registered and as the matter falls within the jurisdiction of Sonarpur police station a case being Sonarpur PS case no. 1597/2024, dated 2nd December, 2024 under Section 137 (2)/140 (3) BNSS was registered and investigation was started. In course of investigation it was found that the petitioner's daughter left her matrimonial house and was staying at a Guest House, namely, Saptarshi Apartment at Teghoria under Narendrapur police station. However, before the petitioner could be recovered she left the said Guest House. The facts would thus reveal that the allegation levelled against the police authorities is absolutely unfounded. In support of such contention reliance has been placed upon a report dated 25th April, 2025 submitted by the Inspector-in-charge, Sonarpur police station. Let the said report, as produced, be kept on record.

Mr. Bhattacharyya, learned advocate appearing for the respondent no. 11 submits that he married the petitioner's daughter in the year 2015 and they were blessed with a male child, who is presently aged about

eight years and the child is residing with the respondent no. 11.

He further submits that there was a matrimonial dispute between the petitioner's daughter and the respondent no. 11 and to that effect affidavits were notarized by Moumita stating that she was no longer ready to continue his matrimonial relationship with the respondent no. 11.

We have heard the learned advocates appearing for the respective parties and considered the materials 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.

Records reveal that Moumita is an adult lady and married to the respondent no. 11. The fact that she was having a marital dispute with the respondent no. 11 cannot be ruled out. It also appears from the report submitted that in course of investigation the police authorities had collected notarized affidavits wherein Moumita herself has stated that she was not ready to continue with her matrimonial relationship. It was also ascertained in course of investigation that she was residing in a Guest House, namely, Saptarshi Apartment.

In the said conspectus and as, we do not find any material to infer that Moumita is under illegal detention, no further interference is called for in the present writ petition.

The writ petition is accordingly, disposed of.

Nothing herein, however, shall prevent the petitioner from initiating appropriate proceedings before any other Court or forum seeking relief according to law.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty,J.)