

24.03.2025

Item No.31

Ct. No.35

dc.

W.P.A. 5478 of 2025

**Pinki Agarwal
versus
The State of West Bengal & Ors.**

Ms. Sananda Bhattacharya,
Mr. Rhitam Chatterjee ... For the Petitioner.

Mr. Suman Ghosh,
Mr. Siddhartha Ghosh ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner submits that her husband lodged an FIR being Kalyani P.S. Case No. 343/2024 dated 09.05.2024 under Section 365 of the Indian Penal Code as her daughter was abducted.

State has submitted a report wherefrom it reflects that statement under Section 164 of the Code of Criminal Procedure was recorded. After the said statement was recorded, the police authorities in fact on or about 31.05.2024 submitted a final report as Mistake of Fact in connection with the aforesaid case before the jurisdictional court.

The petitioner has approached this Court without any application for further investigation being preferred before the jurisdictional court. The

petitioner alleges that there is every possibility of her daughter being trafficked. Be that as it may, since the girl referred to is above 18 years of age and she has made a statement under Section 164 of the Code of Criminal Procedure before the learned Magistrate on the basis of which police authorities had to submit their report, I am of the view that the petitioner would in the circumstances approach the learned ACJM, Kalyani, if so advised, with a prayer for further investigation.

With the aforesaid observations, the writ petition being WPA 5478 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)