

D/L 13
02.04.2025
Kausik
ct.no.35

W.P.A. 6046 of 2025

**Bhaskar Khotel
Versus
The State of West Bengal & Ors.**

Mr. Achin Jana
Mr. Prosenjit Ghosh
Ms. Chetna Rustagi

...for the petitioner.

Ms. Amita Ghosh
Mr. Joydip Banerjee

...for the state.

Petitioner has approached this court with a prayer that in spite of his wife and son being missing and Jagatballavpur PS Case No. 05/2025 was registered for investigation under section 137(2)/140(3) of the BNS there has been no progress in the investigation and till date the son and wife of the petitioner could not be recovered.

State has submitted a report. Report reflects that the wife and son of the petitioner were recovered, subsequent to the same wife made a statement under Section 164 of Cr.P.C./ Section 183 of BNSS wherein she has stated that she was assaulted by her husband and as such she with her only son left the house and has been staying at her own will at the residence of her acquaintance namely, Rafikul Thandar. She has also stated before

the Judicial Magistrate that she has taken the decision on her own and nobody has compelled her to do the same.

On a consideration of the statement made by the wife namely, Payel Khotel, the police authorities submitted their final report as mistake of fact in connection with Jagatballavpur PS Case No. 05/2025.

In view of the aforesaid the petitioner's contention before this court is unacceptable.

Accordingly, WPA 6046 of 2025 is dismissed.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)