

23.07.2025  
Item No.04  
Court No.11  
rpan/am

**WPA (H) 45 of 2025**

**Naren Pandit**  
**-versus-**  
**State of West Bengal & ors.**

Mr. Ayan Bhattacharjee, Sr. Adv.,  
Mr. Anand Keshri,  
Mr. Shounak Mondal  
....for the Petitioner

Mr. Debabrata Chatterjee,  
Mr. Simanta Kabir  
...for the State respondents

Mr. Keshri, learned advocate appearing for the petitioner submits that the petitioner married the respondent no.6 on 6<sup>th</sup> December, 2013. They were blessed with a male child, namely, Avirup Pandit (in short, Avirup), who is presently aged about 11 years and is a student of fourth standard at '*Gorolgacha High School*'. Subsequent thereto, there was a matrimonial dispute between the petitioner and the respondent no.6 which culminated in a divorce decree under Section 13B of the Hindu Marriage Act, 1955 dated 8<sup>th</sup> November, 2024. In the said decree, it was agreed between the parties that Avirup shall reside under the care and custody of the respondent no.6. Pursuant thereto, Avirup was residing with his mother. Suddenly on 11<sup>th</sup> November, 2024, Avirup escaped from the custody of the respondent no.6 and approached the writ petitioner willingly.

However, a complaint was lodged by the respondent no.6 alleging that Avirup had been kidnapped.

Mr. Keshri further contends that the petitioner had been unnecessarily heckled and harassed though he had complied with all the terms and conditions of the divorce decree. In such conspectus, he prays for issuance of necessary direction to rescue and recover Avirup from the custody of the respondent no.6 and place him in the safe custody of the petitioner.

Mr. Chatterjee, learned advocate appearing for the State respondents submits that Avirup has not been illegally detained. It is true that a complaint was lodged by the respondent no.6 alleging that her son had been kidnapped by the petitioner. Such complaint was registered as an FIR and Avirup was recovered from the custody of the petitioner and was placed in a Home on the basis of an order passed by the competent forum. Subsequent thereto, custody of Avirup has been handed over to the respondent no.6 and he is presently residing with the respondent no.6 at Ramkrishna Bati, Post Office - Mrigala, Police Station - Dankuni, Hooghly. Let the written instruction, as furnished, be kept on record.

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

It appears that there was a matrimonial dispute between the petitioner and the respondent no.6 and in the

decree passed by the competent forum it was agreed by the parties that Avirup shall reside with the respondent no.6. It has been ascertained by the police authorities that Avirup is residing along with his mother at Ramkrishna Bati, Post Office -Mrigala, Police Station -Dankuni, Hooghly.

We do not find any material to infer that Avirup is in illegal custody. In view thereof, no interference is called for in the present writ petition and the same is, accordingly, disposed of.

Needless to observe, the petitioner would be at liberty to approach any other forum, if so advised and in accordance with law.

There shall, however, be no order as to costs.

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

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