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16.09.2025
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ct.no.35

W.P.A.21206 of 2025

**Dr. Santanu Basu
Versus
The State of West Bengal & Ors.**

Mrs. Mita Banerjee Ray
Mr. Barun Kumar Ray
Ms. N. Dasgupta.
...for the petitioner.

Mr. Bibek Jyoti Basu
Mr. Jahangir Hossain.
...for the State-respondents.

Mr. Shamit Sanyal.
...for the intervenor.

Petitioner is aggrieved by the fact that there is a matrimonial dispute between the petitioner and his wife and the father of the petitioner has been taken by his wife and father-in-law. Petitioner lodged a complaint for recovery of his father. To that effect, petitioner complains of accusations relating to abduction and kidnapping.

Police authorities have conducted an enquiry and recorded the statement which includes amongst others, the father of the petitioner. There are documents which have been enclosed which reflects the father of the petitioner to be 95 years old suffering from mental ailments and unable to take a decision of his choice.

Prima facie from the materials enclosed by the police authorities as well as the documents relied upon by the petitioner, it is transparent that the said Ashutosh Basu is with the wife of the present petitioner. Police authorities have been able to locate the father of the petitioner but since father of the petitioner expressed unwillingness to return back to the petitioner and the petitioner is an aged person, police authorities could not compel the individual to return to his son/petitioner.

Having considered that the spirit and tenor of the accusations made by the petitioner with the Officer-in-Charge, Lake Police Station relate to kidnapping and abduction and the police authorities have conducted an enquiry, I am of the opinion that it would be advisable for the petitioner to approach the jurisdictional Magistrate under the relevant provisions of Section 175(3) of the BNSS. Learned Magistrate will assess and ascertain regarding the genuinity of the accusations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid directions, WPA 21206 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report without annexure 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.

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

(Tirthankar Ghosh, J.)