

26.11.2025
Court No.13
Item No.8
pk

WPA(H) 95 of 2025

**Tultuli Debnath
Vs.
The State of West Bengal and others**

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Seema Thakur

... for the petitioner.

Mr. K. J. Yusuf, AGP
Mr. Sourav Choudhuri

... for the State.

Mr. Biswarup Chatterjee,
Mr. Pritam Sarkar

... for the private respondents.

1. Affidavit of service filed in Court is taken on record.
2. The present Habeas Corpus petition has been filed by the wife.
3. It appears from the police records that the petitioner approached the police for the first time after a month of her husband having gone missing.
4. It appears that the husband, who is building material supplier, was a habitual alcoholic and had gone to his father, who admitted him for detoxification treatment. There is a letter dated 22.11.2025 where the husband has stated in writing to the O. C., A.J.C.Bose B. Garden Police Station, Howrah that he had voluntarily gone for treatment for detoxification.
5. Having regard to the facts and circumstances of the case, this Court is of the view that the husband has voluntarily sought to stay with his father for

treatment. He cannot be compelled to stay with his wife unless the treatment is completed and the husband is desirous of living with his wife. The remedies open to the writ petitioner/wife under other civil laws have left open to be pursued by her.

6. It is not possible for this Court to issue a writ of habeas corpus to compel the husband to live with his wife.
7. In that view of the matter, nothing further remains to be adjudicated in this proceeding.
8. Hence, WPA (H) 95 of 2025 is disposed of.
9. There will be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)