

DL-5

15.06.2026
Court No.37
[Bench ID-**266046**]
(AD)

(Disposed of)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA (H) 41 of 2026

Provash Roy
Vs.
The State of West Bengal & Ors.

Mr. Omar Faruk Gazi, Advocate
Ms. Shaoni Panda, Advocate
.... for the petitioner

Mr. Dibasish Basu, Advocate
Ms. Sneha Dutta, Advocate
.... for the State

1. Petitioner complains that her missing daughter is being wrongfully confined by the private respondent.
2. State is represented.
3. Report submitted on behalf of the State be taken on record.
4. It appears from the report that, initially an FIR being Rajarhat Police Station Case No.472 of 2025 dated December 17, 2025 under Sections 351(2)/79 of the BNS and Section 12 of the POCSO were started against the private respondent.
5. The victim was recovered.
6. Against such police case, the victim recorded her statement under Section 183 of the BNSS where she said that she was in a relationship with the

private respondent. Private respondent told her that the private respondent would not continue with the relationship till such time the victim attained adulthood.

7. Victim in that police case did not make any statement as against the private respondent.
8. Photocopy of the birth certificate annexed to the petition states that the victim was born on January 17, 2008. Therefore, the victim became an adult on January 17, 2026. She went missing from February 7, 2026.
9. Report states that investigations revealed that, the victim left her home on February 7, 2026.
10. Claim that the victim is being wrongfully detained by the private respondent on the basis of a so-called phone call remains unsubstantiated.
11. Learned Advocate appearing for the petitioner is unable to provide the phone number from which such call was allegedly made.
12. Apparently, the victim left with the private respondent subsequent to she becoming an adult. The victim in her statement recorded under Section 183 of the BNSS admitted that she was in a relationship with the private respondent.
13. In such circumstances, we find no reason to continue with this petition under writ petition of habeas corpus.
14. This order will, however, not prevent the petitioner

from taking steps in accordance with law.

15. **WPA (H) 41 of 2026** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)