

JPD-04
Ct No.07
16.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA(H) 2 of 2026
IA No: CAN 1 of 2026

Md. Kamrul Hassan
Vs
The State of West Bengal and others

Mr. Kumar Shantanu
Mr. Taiab Sahadat
Ms. Nikita Paul
Mr. Parthib Bhowmick

.... for the petitioner.

Mr. Jagriti Mishra, Ld. AAAG
Ms. Rajni Singh Dev

...for the State.

1. The present Habeas Corpus petition has been filed by one Md. Kamrul Hasan, alleging that his wife Smt. Kiran Kumari Swarnakar has been unlawfully detained by her paternal family.
2. The facts of the case, in a nutshell, are as follows:
3. The petitioner, a Mohammadan by faith, contracted an inter-faith marriage with Smt. Kiran Kumari Swarnakar, Hindu by religion, on July 7, 2025.
4. The parties left their respective paternal homes to live in their own matrimonial home on May 8, 2026.

5. The lady, namely, Smt. Kiran Kumari Swarnakar left such matrimonial home for her parental home on May 9, 2026.
6. Allegedly, thereafter the petitioner's attempt to establish contact with his wife met with obstruction from the parental family of the wife.
7. The repeated efforts of the petitioner to establish contact with his wife and to communicate with her by various means was allegedly thwarted by the family of the wife.
8. According to the petitioner, on May 16, 2026, certain members of the wife's family, including her brother one Amit Kumar Swarnakar and her brother-in-law one Raju Prasad and several other associates unlawfully assembled before the house of the petitioner in a large group and created an atmosphere of fear and terror, abusing the petitioner and his family members in filthy language and threatening of dire consequences if the petitioner did not agree to a divorce with his wife. The communal undercurrent of the entire episode is also highlighted in the Habeas Corpus petition.
9. In such circumstances, the petitioner seeks production of his wife, whom he apprehends to have been kept unlawfully restrained by her parental family, and prays for access to his wife.

10. Learned AAAG, appearing on behalf of the State, on the last occasion, had submitted that a pure private dispute in the nature of a matrimonial one cannot be converted to a Habeas Corpus petition.
11. A police report is placed before us today on behalf of the State and is kept on record, from which it transpires that as per the police, the wife is residing of her own volition in her parental home and has not been unlawfully detained.
12. In view of the nature of the allegations made, we had personal interviews with the wife Smt. Kiran Kumari Swarnakar and thereafter jointly with the petitioner Md. Kamrul Hassan and Smt. Swarnakar.
13. Upon such interviews, we found that Smt. Kiran Kumari Swarnakar intends to go back to her husband, the petitioner, and to lead a peaceful conjugal life with the petitioner.
14. We cannot deny the communal undercurrent involved in the issue and as such are of the opinion that in the context of the serious allegations made, adequate police protection ought to be granted to the couple in order to lead their matrimonial life peacefully.
15. It further transpired from the interviews, although not specifically alleged in the present petition, that the mobile phone and the personal documents and other records of the wife Smt.

Kiran Kumari Swarnakar have been retained by her paternal family.

- 16.** Insofar as the alleged incident of threats on May 16, 2026 issued by the family members of the petitioner's wife and their associates is concerned, a police complaint has already been lodged on June 5, 2026.
- 17.** It would be premature for this court, sitting in the limited ambit of a Habeas Corpus petition, to comment on the same and the investigation in that regard will take its own course.
- 18.** However, even without making any such comment, we cannot overlook the fact that due to the communal undertones involved, the couple ought to be granted adequate protection.
- 19.** Accordingly, we direct the police officers who have accompanied the lady, namely, Smt. Kiran Kumari Swarnakar to court today as per our previous direction, to escort the couple to their matrimonial home from here immediately after the order is passed.
- 20.** We further direct the local Police Station, that is, the Kharibari Police Station to keep a vigil on the couple and to ensure that in the event any complaint is lodged by either the petitioner or his wife Smt. Kiran Kumari Swarnakar regarding their matrimonial life being disrupted either by the paternal family of the wife or by any unruly

element, immediate action is taken in that regard by the police to give adequate protection to the couple.

- 21.** We further direct that in the event the threat perception is serious in the assessment of the local Police Station, the Officer-in-Charge of the Kharibari Police Station shall, if necessary, post police personnel round the clock to give such protection to the couple as required, for the period as perceived necessary by the police.
- 22.** Insofar as the mobile phone and the personal documents of Smt. Kiran Kumari Swarnakar are concerned, the members of the paternal family of Smt. Swarnakar, including her parents, brother and brother-in-law, are directed to return the said mobile phone and the personal documents of Smt. Kiran Kumari Swarnakar to her within 24 hours from now, by acting on the basis of this order passed in open court.
- 23.** In the event the said articles are not so returned within 24 hours, the petitioner as well as Smt. Swarnakar shall be at liberty to file a contempt petition and/or an application for enforcement of this order for the court to take adequate action.
- 24.** A server copy of this order shall be communicated to the paternal family members of Smt. Swarnakar, including her parents, brother and brother-in-law, by the Kharibari Police Station

during the course of the day in order for the said family members to comply with the same.

- 25.** WPA(H) 2 of 2026 is disposed of in the light of the above observations by reserving comment on the outcome of the police complaint lodged on June 5, 2026 by the petitioner, which will take its own course.
- 26.** A copy of the report filed in court today is handed over by learned AAAG to the learned Advocate for the petitioner here and now.
- 27.** CAN 1 of 2026 is accordingly disposed of as well.
- 28.** No order as to costs.
- 29.** Urgent certified copies of this order, if applied for, be supplied to the parties subject to compliance of the necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)