

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C)(HC) No. 03 of 2025**

Smt. Rina Devi Jamatia

..... **Petitioner(s)**

**Vs.**

The State of Tripura & Ors.

..... **Respondent(s)**

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|-------------------|-------------------------------------------|
| For Petitioner(s) | : Mr. Debashish Datta, Advocate.          |
| For Respondent(s) | : Mr. Samar Das, Addl. Public Prosecutor. |

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**BEFORE  
HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH  
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**JUDGMENT & ORDER (ORAL)**

**24.06.2025**

The present petition has been styled as an Habeas Corpus petition alleging dispute of custody over the two minor daughters aged 17 years & 7 years born out of the wedlock of the petitioner with the respondent No.6. The petitioner is the wife who has alleged in an undated complaint at Annexure-C addressed to the Officer-in-Charge, RK Pur Women Police Station, Gomati that after the marital dispute her daughter has been forcefully taken by her husband and his family members, specially the mother-in-law, brother-in-law & his wife. She has not been allowed to meet or speak to her daughter.

Police has not been able to institute any criminal case. Parties belong to the Jamatia tribe. The husband is serving in BSF and presently posted at Chhattisgarh. Marriage between the parties was solemnized on 11<sup>th</sup> December, 2006.

On being specifically asked as to how the dispute of custody between the petitioner-wife (mother) and the respondent No.6 (husband) would be in the nature of illegal detention to maintain

a habeas corpus writ petition, learned counsel for the petitioner has not been able to give a clear answer.

Learned Additional Public Prosecutor, Mr. Rajib Saha submits that the dispute of guardianship, custody or access to the minor between the parents is amenable to the jurisdiction of the Family Court created under the Family Court's Act, 1984 and the substantive law applicable to the parties.

However, Mr. Datta prays for one indulgence to be prepared to answer the question raised.

Accordingly, the matter be listed on **01.07.2025**.

**(S. DATTA PURKAYASTHA) J**

**(APARESH KUMAR SINGH) CJ**



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