



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MAY, 2024

PRESENT

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

AND

THE HON'BLE MR JUSTICE VENKATESH NAIK T

WRIT PETITIION (H C) NO.41 OF 2024

BETWEEN:

...PETITIONER

(BY SRI CHANNAKRISHNA, ADVOCATE FOR
SRI SRIHARI A.V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY DIRECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD
BANGALORE-560001.
2. THE COMMISSIONER OF POLICE
BANGALORE CITY, INFANTRY ROAD
BANGALORE-560001.
3. THE DEPUTY COMMISSIONER OF POLICE
BANGALORE SOUTH
SOUTH END CIRCLE
BASAVANAGUDI
BENGALURU-560004.





4. THE ASSISTANT COMMISSIONER OF POLICE
BANGALORE SOUTH
SOUTH END CIRCLE
BASAVANAGUDI
BENGALURU-560004.

5. THE STATION HOUSE OFFICER
MADIVALA POLICE STATION
BANGALORE.

6.

7. THE STATE OF KERALA
REPRESENTED BY
DIRECTOR GENERAL OF POLICE
KERALA STATE-695 010.

...RESPONDENTS

(BY SRI THEJESH P., H.C.G.P. ALONG WITH
SMT. N. ANITHA GIRISH, H.C.G.P. FOR R-1 TO R-5 AND R-7;
SRI GAURAV RAMAKRISHNA, ADVOCATE, FOR R-6)

THIS WRIT PETITION (H C) IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE THE WRIT OF HABEAS CORPUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTON BY DIRECTING THE RESPONDENTS TO PRODUCE THE PETITIONER'S DAUGHTER GREESHMA VENKATESH BEFORE THIS HON'BLE COURT B) ALTERNATIVELY, ISSUE WRIT IN THE NATURE OF DIRECTION TO THE STATE GOVERNMENT TO HAND OVER THE PETITIONER CASE/FIR IN CRIME NO.0096/2024 PENDING BEFORE THE MADIVALA POLICE STATION TO THE CENTRAL BUREAU OF INVESTIGATION AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
VENKATESH NAIK T. J., MADE THE FOLLOWING:



ORDER

This Habeas Corpus petition is filed by the mother of the detenu seeking for directions to the respondents to produce the detenu from the custody of the sixth respondent before this court.

2. On 07.05.2024, this court directed the sixth respondent to produce the detenu before this court on 09.05.2024. Accordingly, the learned counsel for respondent no.6 undertook to produce the detenu before this court on 09.05.2024.

3. In pursuance of the directions issued by this court, today the WPSI, Kannur Police, Kerala State along with the WPSI, Madiwala Police Station, Bengaluru, have produced the detenu before this court.

4. The petitioner and respondent no.6 are present before the court and they are duly represented by their respective counsels.



5. Heard the learned counsel for petitioner, learned counsel for respondent no.6 and learned HCGP for respondent nos.1 to 5.

6. Upon enquiry of the detinue, she submits that she is not willing to go back with her mother.

7. Taking note of her contention and stand taken by her, this court interacted with the detinue In-Camera in the presence of the Deputy Secretary, Juvenile Justice Committee, High Court of Karnataka, Bengaluru and had interaction with the detinue in line with the guidelines issued by the Hon'ble Apex Court in SLP (Criminal) No.1891/2023 at Para 16 and the court directed the Deputy Secretary to transcribe the statement of the detinue. The detailed interaction held with the detinue is transcribed.

8. The recording of the statement is transcribed by the Deputy Secretary, Juvenile Justice Committee, High



Court of Karnataka, Bengaluru. The recording shall not be accessible to any other party. Hence, the registry is directed to keep the statement of the detinue in the form of transcription in a sealed cover.

9. As per the interaction held with the detinue, presently she is staying with respondent no.6 at Kerala and her marriage was solemnized with the respondent no.6 on 01.04.2024.

10. The detinue submits that she is pursuing her II Year B.Com at P.E.S.College, Bengaluru and she is independent to take decision on her own. She further submits that she voluntarily left her parental house and presently residing with respondent no.6. She also submits that she is not facing any coercion or undue influence either by respondent no.6 or anybody else. Further, she does not have any intention of going back to her parents.



11. In view of detinue produced before the court and she decline to go with her mother and the fact that detinue is a major and studying in II Year B.Com and that her marriage is performed with respondent no.6, no further adjudication is called for in the matter. Accordingly, recording the above observation and report of the Deputy Secretary, Juvenile Justice Committee, High Court of Karnataka, Bengaluru, the proceedings are closed.

12. Since the contents of the report submitted by the Deputy Secretary, Juvenile Justice Committee, High Court of Karnataka, Bengaluru involves confidential information, registry is directed not to issue the copy of the report.

13. The petition stands disposed off with the above observations.



14. In light of disposal of the petition, the concerned Police are directed to hand over the detinue to the custody of respondent no.6 forthwith.

15. The learned counsel for respondent no.6 has filed the Undertaking Affidavit of respondent no.6 voluntarily wherein, he undertakes to care of the safety, welfare and education of the detinue. The said undertaking affidavit is taken on record.

No order as to costs.

**Sd/-
JUDGE**

**Sd/-
JUDGE**