

(2025) 02 KAR CK 0909

In the Karnataka High Court, Principal Bench

Case No : Writ Petition Habeas Corpus No. 15 Of 2025

Manoj Gupta

APPELLANT

Vs

State Of Karnataka & Ors.

RESPONDENT

Date of Decision : 24-02-2025

Acts Referred:

Citation : (2025) 02 KAR CK 0909

Hon'ble Judges : Chillakur Sumalatha, J

Bench : Division Bench

Advocate : Roshan H.C

Final Decision : Dismissed

Judgement

Anu Sivaraman, J

1. This Writ Petition (Habeas Corpus) is filed seeking the following reliefs:-

"(a) To issue a writ in the nature of Habeas Corpus to the respondent to produce the minor daughter of the petitioner, detainee named Kumari Priyanshu before this Hon'ble Court;

(b) Grant such other relief/s as Hon'ble Court deems fit in the circumstances of the case; and

(c) Direct the respondents to secure the minor girl, Kumari Priyanshu from the illegal detention by Rahul Kumar (respondent No.4)."

2. We have heard the learned counsel appearing for the petitioner as well as the learned HCGP appearing for respondents No.1 to 3.

3. When the matter was moved today, the detainee has been produced by respondents No.2 and 3. It is submitted that the detainee was in Bihar along with the family of respondent No.4, from there she has been traced and brought before us. The detainee, who is present before us alleges that she is 19 years old and that she had gone to Bihar on her own volition. She states that she was not

under any illegal detention.

4. In any view of the matter, it appears from Annexure 'B' that the date of birth of the detainee is recorded as 02.07.2010 and therefore she would be minor. If that be so, we cannot allow the minor to proceed to Bihar as she pleases.

5. We, therefore, direct the official respondents to produce the alleged detainee before the Child Welfare Committee-1 (CWC-1), Bengaluru. The CWC-1 shall consider the issue and house the detainee safely either in a Government Care Home or in an appropriate facility till the parents of the detainee make an application, which will be considered in accordance with law.

6. The Chair Person, CWC-1, is directed to take appropriate steps to see that proper counselling is given to the detainee and that she is monitored closely so that her safety is not compromised in any manner.

6. The Writ Petition (Habeas Corpus) is closed with liberty to the petitioner to move before the CWC-1 for appropriate orders as to custody of the minor. All the contentions are left open to be decided by CWC-1.

A copy of this order shall be handed over to the learned High Court Government Pleader for Communication to respondents No.2 and 3, for necessary further steps.