

(2009) 04 KAR CK 0102
In the Karnataka High Court
Case No : Writ Petition HC No.49 of 2009

Sri M. Rajappa

APPELLANT

Vs

State of Karnataka, T. Raju and Manjunath

RESPONDENT

Date of Decision : 29-04-2009

Acts Referred:

Citation : (2009) 04 KAR CK 0102

Hon'ble Judges : Jawad Rahim, J;D.V. Shylendra Kumar, J

Bench : Division Bench

Advocate : H.P. Leeladhar, for the Appellant; N.B. Viswanath, AGA for R1 and R2, for the Respondent

Judgement

1. Writ petitioner one M Rajappa, a resident of Anniyalam Village, Denkanikote Hobli & Taluk, Krishnagiri District of the State of Tamil Nadu has presented this writ petition for issue of a writ of habeas corpus and for securing the release of his sister by name Kumari Manjula who it was apprehended is under the illegal and forceful custody of the respondents 3 & 4 -residents of Sammanahalli Village, Sarjapura Hobli, Anekal Taluk, Bangalore District.

2. The petition averments are that said Kumari Manjula was residing with her parents at Anniyalam Village and was working in a garment factory called "Fashion Craft" at Marasur Village near Anekal; that the sister of the petitioner would leave her village by 7 am in the morning and would normally return by 7.30 pm in the evening, but on 13.3.2009 though she left her village as usual, did not return in the evening with her other sister Ambuja who is also working in the same factory and even thereafter as said Manjula did not return, the petitioner and his people searched for her, made enquiries and on such enquiry and verification learnt that the respondents 3 & 4 used to follow the sister of the petitioner and suspecting foul play, the petitioner had lodged a complaint on 14.3.2009 with the Anekal Police, Anekal Taluk, Bangalore District; that though the petitioner complained that he is apprehending respondents 3 & 4 to have kidnapped her sister, the second respondent?station house officer of the Anekal

Police Station did not agree to register the complaint in this manner but instead compelled the petitioner to give a missing complaint in respect of his sister and registered a case on the basis of such missing complaint in crime No. 32 of 2009; that notwithstanding the complaint, the parents having not made commensurate efforts to trace the girl and with the respondents 3 & 4 also absconding from the house subsequent to the complaint and with the petitioner apprehending safety to the life of missing Kumari Manjula and also suspecting that she may be under the illegal custody at the behest of respondents 3 & 4, has presented this writ petition.

3. Notices had been issued to the respondents and Sri. N.B. Viswanath, learned Additional Government Advocate was directed to rake notice for respondents 1 & 2 - statutory authorities.

4. On 9.4.2009, the missing girl Manjula was produced before this court by one Marikalegowda, Sub-Inspector who was accompanied by Ms. Radhika, Woman Police Constable at Anekal Police Station.

5. The minor girl having indicated that she is not ready and willing to go with her brother, this court ordered that she being a minor may be sent to the remand home at Bangalore with the direction to produce her before the court on the next date of hearing and on 24.4.2009 with the said Manjula having brought before this court and she having expressed that she is now ready and willing to live with her parents and with the father of the missing girl being not present, the matter was adjourned to be called today so that if one of the parents should appear the girl can be sent with them and the girl was sent to the remand home till today. Kumari Manjula is brought before the court today also.

6. Sri Leeladhar, learned Counsel for the petitioner submits that while the writ petitioner-brother of the missing girl is not present today, the elder sister of Kumari Manjula - Smt. Varalakshmi a resident of Sammanahalli Village, Sarjapura Hobli, Anekal Taluk, is present before the court.

7. We have enquired Kumari Manjula as to her willingness and desire to go with her parents and with her parents having not come, she has expressed that she is ready and willing to join her elder sister Varalakshmi as of now and the elder sister on our query has assured this court that she would take her younger sister to her parents' house and leave her in their parents' house at Anniyalam.

8. The minor girl is entrusted to the custody of her elder sister Varalakshmi, wife of Shankar, resident of Sammanahalli Village.

9. Sri. N.B. Viswanath, learned Additional Government Advocate is directed to apprise the remand home that the girl is sent with her sister and there is no need for her further continued stay in the remand home and the order passed in this writ petition also disposes of the crime No. 32 of 2009 which though wrongly given as crime No. 32 of 2009 but actually a missing complaint can now be closed.

10. Accordingly, this writ petition is disposed of.