

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 25TH DAY OF NOVEMBER, 2021

PRESENT

THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

AND

THE HON'BLE MR.JUSTICE S. RACHAIAH

WPHC No.100017 OF 2021

BETWEEN:

SMT. SHARAVVA LAMANI
W/O. BABAMEGHARBA LAMANI

...PETITIONER

(BY SRI.VIDYASHANKAR G DALWAI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY DEPARTMENT F HOME,
M.S. BUILDING, AMBEDKAR VEEDHI,
BANGALORE-01.
2. SUPERINTENDENT OF POLICE,
GADAG.
3. CPI
SHIRAHATTI,
LAXMESHWAR P.S.

....RESPONDENTS

(BY SMT. GIRIJA S HIREMATH, HCGP FOR SMT. K.
VIDYAVATI, ADDL. ADV. GENERAL FOR R1 TO R3)

THIS WRIT PETITION HABEAS CORPUS IS FILED UNDER
ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO ISSUE A WRIT IN THE NATURE OF HABEAS

CORPUS DIRECTING THE RESPONDENTS TO TAKE APPROPRIATE ACTION BY PRODUCING ONE GANGAVVA LAMANI BEFORE THIS HON'BLE COURT AT THE EARLIES TO MEET THE ENDS OF JUSTICE.

THIS WRIT PETITION HABEAS CORPUS COMING ON FOR PRELIMINARY HEARING THIS DAY, **SIDDAIAH RACHAIAH J.**, MADE THE FOLLOWING:

ORDER

Detenue is produced before this Court through Police Sub Inspector, Laxmeshwar Police Station, Laxmeshwar, Gadag District.

2. On instructions, learned Addl. Advocate General submits that the detenue is aged about 17 ½ years and she wanted to pursue her further studies, but her parents forced her for marriage and discontinued her studies. As a consequence, she has voluntarily gone to Goa and she was residing with her brother etc.

3. Per contra, learned counsel for the petitioner, on instructions, submitted that she was kidnapped by somebody. Though the mother of the detenue has lodged a complaint in that regard, same has been suppressed by the police and not registered the case in

accordance with law. Further, parents of the detenue submitted that they will not pressurize the detenue for her marriage or discontinue her further studies. As such, they requested this Court to send the detenue along with them. However, on enquiry, detenue submits that she is not willing to accompany her parents and she is ready to go to Juvenile Centre/Remand Home.

4. Keeping in mind prime importance of welfare of the child/detenue produced before this Court, this Court directs the respondent No.3 to send the detenue to Balakiyara Bala Mandir, Near Sangolli Rayanna Circle, Gadag, keeping in mind her welfare and safety purpose. Needless to say that the said Balakiyara Bala Mandir is directed to keep the detenue till she attains the age of majority or till she changes her mind to accompany her parents/natural guardian, whichever is earlier. Further, said Balakiyara Bala Mandir is directed to take appropriate steps to ensure the detenue to continue with her further studies.

5. If the detinue is willing to accompany her parents during her stay in that Balakiyara Bala Mandir, the said authority is directed to send the detinue along with her parents by taking suitable undertaking from the parents ensuring her safety and her future. Further, the Juvenile authority is directed to provide visitation right to the parents of the detinue, if the detinue is willing to see her parents. Further, it is directed that the respondent-police to proceed with the case in accordance with law as expeditiously as possible.

6. Affidavit filed by the parents of the detinue regarding safety and welfare of the child is taken on record. Since the detinue is produced before this Court, no further order is called for. Hence, writ petition habeas corpus deserves to be disposed off. Accordingly, writ petition habeas corpus filed by the petitioner stands disposed off in terms of the above observations.

7. Registry is directed to furnish a copy of this order to the learned Government Advocate and to the jurisdictional Police.

Sd/-
JUDGE

Sd/-
JUDGE

JTR

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