

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 30TH DAY OF SEPTEMBER 2009

PRESENT

THE HON'BLE MR. JUSTICE JAWAD RAHIM
AND
THE HON'BLE MR.JUSTICE B SREENIVASE GOWDA

W P (HC)NO.151/2009

BETWEEN

SMT.LAKSHMAMMA
W/O.LATE DODDA MUNIYAPPA
AGED ABOUT 46 YEARS
R/AT NO.130 M.R.S. PALYA
J.C.NAGAR,
BANGALORE-560 046.

... PETITIONER

(BY SRI.ADITYA SONDHI, ADV)

AND:

- 1 STATE OF KARNATAKA
M S BUILDINGS
AMBEDKAR VEEDHI
BANGALORE-560 001
THROUGH THE J C NAGAR POLICE
- 2 VISHWA
FATHER'S NAME NOT KNOWN
MOTHER'S NAME SMT.RATNAMMA
AGE NOT KNOWN
RESIDING AT OPP.DOOR NO.23



9TH CROSS ROAD
ADI KABIR ASHRAM
BMP WARD NO.97, R.T.NAGAR
BANGALORE-560 032.

... RESPONDENTS

(BY N B VISHWANATH, AGA FOR R1)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF HABEAS CORPUS DIRECTING THE RESPONDENTS HEREIN TO PRODUCE THE PETITIONER'S MINOR DAUGHTER KUM MALASHREE, AGED ABOUT 14 YEARS BEFORE THIS HON'BLE COURT AND FURTHER TO HAND OVER THE SAID CHILD TO THE PETITIONER.

THIS W.P. IS COMING ON FOR ORDERS THIS DAY
JAWAD RAHIMI, MADE THE FOLLOWING:

ORDER

The Petitioner who is the mother of the minor girl Malashree said to be aged 14 years, is in writ seeking issuance of writ of Habeas Corpus to trace her daughter who is alleged to be missing from her residence since 1-9-2009.

2. The Petitioner initiated writ action on the plea that she filed a complaint on 13-9-2009 about



missing of Kum.Malashree. But her complaint was not taken seriously by the SHO of J C Nagar Police. It is alleged the Officer in-charge of the Police Station did nothing to trace her and has ignored her report.

3. Considering the allegations in the petition and keeping in mind interest of the minor girl, the writ was admitted and on issuance of Rule Nisi, the Respondent-State filed counter through the SHO, J.C.Nagar Police Station, by Tanveer Ahmed. In the counter statement, he has reported that the complaint was registered regarding 'Missing Person' in the FIR vide Annexures-C and D. According to his version, a subordinate officer to him by name Srinivasa Reddy was entrusted with the investigation and he had visited several places and questioned the mother of the girl and her Uncle and found no clue. In the affidavit filed by the SHO on 25-9-2009, he has merely mentioned about the statement of witnesses

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recorded with no fruitful result. However, time was sought and consequently, the matter is adjourned to today.

4. The learned Additional Government Advocate reports that local Police Officers were able to trace the girl Malashree in the company of the second respondent in Doddaballapur. They took custody of the girl and have also arrested him for keeping the minor girl in his custody. The second respondent is not produced before this court and he is in Judicial Custody while Malashree is produced.

5. The girl answered to the name Malashree, and admits her identity and without reservation has shown her willingness to go back to her mother, the Petitioner herein.

6. The Petitioner Smt.Lakshmamma wife of Dodda Muniyappa admits that she is the mother of



Malashree and undertakes to take her to the custody and also take care of her.

7. Since the relationship between the girl Malashree as also the Petitioner is not disputed, We are satisfied that the custody of girl has to be restored only to the Petitioner and We direct the Police Officer who have brought her to hand over the custody of Malashree to the Petitioner.

8. Since the girl is traced, We do not find that there will be worth purpose in keeping this petition pending as the result has been achieved. Accordingly, the petition is disposed off.

Sd/-
JUDGE

Sd/-
JUDGE

mpk/-*