

IN THE HIGH COURT OF KARNATAKA AT
BANGALORE

DATED THIS THE 28TH DAY OF JUNE 2013

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION Nos.27950-27951 OF 2013

BETWEEN:

1. Kavya G.S.,
Daughter of Late Shankare Gowda,
Aged about 19 years,
Residing at Kottehalli Village,
Kikkeri Hobli,
K.R.Pet Taluk,
Mandya District – 571 401.

Now staying at
“Samrakshana Kendra”,
Mandya – 571 401.

2. Savitha,
Wife of Javare Gowda,
Aged about 32 years,
Residing at No.29,
Nanjappa Layout,
Yalachenahalli,
Bangalore South,
Bangalore – 560 078.

...PETITIONERS

(By Shri. K.N. Subba Reddy, Advocate)

AND:

1. State by Kikkeri Police Station,
Represented by
State Public Prosecutor,
Bangalore – 560 001.
2. Lakshmane Gowda,
Son of Late Kale Gowda,
Aged about 31 years,
Residing at Kottahalli Village,
Kikkeri Hobli,
K.R.Pet Taluk,
Mandya District – 571 401. ...RESPONDENTS

(By Shri. S. Doreraj, State Public Prosecutor for Respondent No.1)

These Writ Petitions filed under Articles 226 and 227 read with Section 482 of the Constitution of India praying to, quash the order dated 01.06.2013 directing the petitioner No.1 to go to Samrakshana Kendra, Mandya passed by the Civil Judge (Sr.Dn.) and Judicial Magistrate First Class, at K.R.Pet, in C.R.No.131 of 2013 vide Annexure-A and direct the immediate release of the petitioner no.1 or in the alternative and without prejudice to the above relief.

These Writ Petitions coming on for Preliminary Hearing this day, the court made the following:

ORDER

The petitioners are before this court in the following circumstances:-

2. On a complaint lodged by the grand father of the first petitioner that she was missing, she was traced along with another and produced before the court. The court below, in turn, has remanded her to a Samrakshana Kendra, a Non-Governmental Organisation (NGO). It transpires that she is a minor by age and she did not desire to go to any NGO and therefore, is aggrieved by the direction in this regard. Hence, the petitioners are before this court seeking appropriate directions.

It is also stated that an application is filed seeking her release and the court is reluctant to consider the said application. The above allegation, whether true or not, need not be gone into. It is, however, necessary that if any such application is filed, whereby freedom and liberty of the

petitioner is restricted, it is appropriate that such application be considered forthwith. Hence, with that direction, the petition stands disposed of.

The learned State Public Prosecutor is directed to convey this order to the concerned court forthwith. It is imperative that there be expedition in the consideration of the pending application, since it is stated that the first petitioner is in the custody of a NGO for the past 20 days and hence the application may be disposed of, in any event, before 5th July 2013.

**Sd/-
JUDGE**

nv