IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.203939 OF 2024 (GM-POLICE)

BETWEEN:

SRI. JAMBUNATH @ JAMBAVANATH
S/O GANAPATI PUJARI,
AGE: 24 YEARS,
OCC: DRILLING MACHINE WORK,
R/O VILLAGE SALEGAO, TQ: ALAND,
DISTIRCT: KALABURAGI – 585 302.

…PETITIONER

(BY SRI. SYED FAYAZUDDIN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HOME DEPARTMENT, VIDHAN SOUDHA,
BANGALORE-560 001,
REPRESENTED BY ITS SECRETARY.

2. THE DIRECTOR GENERAL OF POLICE,
KARNATAKA POLICE,
BENGALURU – 560 001.

3. THE INSPECTOR GENERAL OF POLICE,
NORTH EAST ZONE, KALABURAGI – 585 101.

4. THE SUPERINTENDENT OF POLICE,
KALABURAGI DISTRICT – 585 101.

5. THE STATION HOUSE OFFICER,
ALAND POLICE STATION, TQ: ALAND,
DISTRICT: KALABURAGI – 585 302.

Digitally signed by NIJAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

6. THE SUPERINTENDENT OF KARNATAKA
STATE WOMEN CENTRE OF
WOMEN AND CHILD DEVELOPMENT,
GOVERNMENT OF KARNATAKA,
ALAND COLONY, KALABURAGI – 585 103.

7. RAVIDRA
S/O RUPANNA BIRADAR,
AGE: 50 YEARS, OCC: FARMER,
R/O VILLAGE SALEGAON, TQ: ALAND,
DISTRICT: KALABURAGI – 585 302.

8. RAJESHWARI
W/O RAVIDRA BIRADAR,
AGE: 45 YEARS, OCC: FARMER,
R/O: VILLAGE SALEGAON, TQ: ALAND,
DISTRICT: KALABURAGI – 585 302.

…RESPONDENTS

(BY SRI. SHESHADRI JAISHANKAR, AGA FOR R1 TO R6;
R7 & R8 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE THE WRIT OF CERTIORARI BY QUASHING THE ANNEXURE-C DATED 2.12.2024 VIDE FILE NO.RAMANIKA/NIWASI/BIDU/PATRA/KORITU/2024-25/349 PASSED BY RESPONDENT NO.6; ISSUE A WRIT OF MANDAMUS OR ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.6 TO SET FREE THE DAUGHTER OF THE RESPONDENT NO.7 AND 8 BY NAME KUMARI NIKHITA D/O RAVIDRA BIRADAR AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Syed Fayazuddin, learned counsel for the writ petitioner.

2. Learned counsel states that the petitioner fell in love with the daughter of respondent Nos.7 and 8 by name Nikita. On knowing about the same, respondent Nos.7 and 8 got registered a false case under Protection of Children from Sexual Offences Act, 2012 against the petitioner, but the same ended in acquittal. The girl is aged about 19 years and the girl intends to join the petitioner. Learned counsel states that the girl is at remand home at present. The petitioner filed an application before respondent No.6, seeking respondent No.6 to release Miss Nikita. However, his application was rejected stating that the blood relatives can only move an

application for release and custody. Challenging that order, the present writ petition is filed.

3. This Court on 27.03.2025, directed respondent No.6 to produce Miss Nikita under proper escort. On this day, Miss Nikita is produced before this Court being escorted by Mrs. Shweta, an office Superintendent-2 working at the office of respondent No.6.

4. At the request of learned Additional Government Advocate and Miss. Nikita, in-camera proceedings were held. Sri Ravidra i.e., respondent No.7, who is the father of Miss Nikita is also present. Sri Ravidra expressed his intention to take Miss Nikita into his custody. However, Miss. Nikita refused.

5. Learned Additional Government Advocate submits that Miss Nikita is aged about 19 years at present and she intends to join the petitioner, get married and lead marital life. Miss. Nikita also expressed her wish to join the petitioner. The petitioner is also present in person.

Learned counsel for the writ petitioner submits that the petitioner is aged about 24 years at present.

6. Having considered the fact that Miss Nikita attained the age of majority and as there is nothing on record to show that there is any further necessity for keeping her in remand home, this Court considers desirable to order release of Miss Nikita from the remand home.

7. Thus, the writ petition is disposed of with the following:

ORDER

i) Respondent No.6 is directed to release Miss Nikita D/o Ravidra from the remand home.

ii) In case Miss Nikita requires any sort of protection from anyone, she is at liberty to make an application to that effect to respondent No.6 before her release.

iii) Respondent No.6 to take necessary steps in case such an application is submitted.

iv) Miss Nikita being major is given liberty to choose either to reside with her parents or to marry the petitioner.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 71