

Sunil Kumar vs State of Karnataka

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Court : Karnataka Orders

Decided On : Jan-31-2024

Judge : K.Somashekar,Umesh M Adiga

Appeal No. : WPHC/8/2024

Appellant : Sunil Kumar

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2024 PRESENT THE HON'BLE MR JUSTICE K.SOMASHEKAR AND THE HON'BLE MR JUSTICE UMESH M ADIGA WRIT PETITION HABEAS CORPUS NO. 8 OF 2024 BETWEEN:

1. SUNIL KUMAR

S/O LATE BAHRHO RAM AGE ABOUT 51 YEARS R/AT NO 15, TYPE - 4, DFRL QUARTERS SIDDARTHANAGARA MYSURU - 570011 PETITIONER (BY SHRI. SHANKARANARAYANA BHAT B.,

ADVOCATE) AND:

1. STATE OF KARNATAKA Digitally signed by D HEMA DEPARTMENT OF HOME Location: HIGH COURT OF KARNATAKA REPRESENTED BY SECRETARY VIDHANA SOUDHA BENGALURU - 560 001

2. INSPECTOR OF POLICE

NAZARBAD POLICE STATION MYSURU CITY MYSURU - 570 011 REPRESENTED BY SPP HIGH COURT OF KARNATAKA BENGALURU - 560 001 RESPONDENTS (BY SHRI. B. A. BELLIAPPA, SPP-I ALONG WITH SHRI. M.V. ANOOP KUMAR, HCGP) -2- THIS WP(HC) IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF HABEAS CORPUS TO DIRECT THE RESPONDENT NO.2 POLICE TO TRACE THE DAUGHTER OF PETITIONER BY NAME DIVYA KUMARI, FORTHWITH AS PER CRIME NO.8/2024 VIDE ANNEXURE-B. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, K.SOMASHEKAR J., MADE THE FOLLOWING:

ORDER

Sri. Shankarnarayana Bhat B, learned counsel for the petitioner is present. Sri. B.A. Belliappa, learned SPP- I, along with Sri. M.V. Anoop Kumar, learned High Court Government PLeader is present before the Court.

2. The father of the detainee Sri. Sunil Kumar filed

a missing complaint in FIR.No.8/2024 on 16.01.2024 and on 27.01.2024 the alleged detainee namely Mrs. Divya Kumari, D/o Sunil Kumar, aged 23 years residing at No.219, P2 Block, Sulthan Puri, Delhi, having mobile Number-9852082266 was traced and Srinivas Patel, PSI, of Nazarabad Police Station has produced the detainee before the Court. The detainee voluntarily appeared along with her husband Sri. Vikram Kumar, and he is voluntarily -3- present before the Court. The parents and sister of the detainee are also present before the court.

3. On inquiry, Mrs.Divya Kumari D/o Sunil Kumar,

aged about 23 years, submitted that she voluntarily went to Delhi and joined Vikram Kumar. She was not forcefully taken by anybody and nobody illegally detained her. The father of the detainee seeks permission to take the detainee and when enquired, detainee submits that she does not intend to talk with her parents and sisters and she is leading a peaceful life with her husband Sri. Vikram Kumar at Delhi. The father of the detainee felicitated medical certificate dated 12.10.2023 said to be of detainee stating that she is undergoing Bipolar disorder and the course of treatment is not completed and she needs further treatment. The detainee accepts that she was under treatment for mental depression and the treatment course is already completed on July, 2023 itself. -4-

4. The detainee Smt. Divya Kumari, states that she

went voluntarily to Delhi to join Sri. Vikram Kumar S/o Anil Prasad, as they were loving each other they got registered marriage and they are leading a happy life.

5. It is further stated by detainee Smt. Divya Kumari that there is a threat from her parents and seeks for a protection.

6. The father of the detainee submits that Sri.

Vikram Kumar, is a person involved in illegal activities and having criminal antecedents. He may not look after his daughter properly. Since the detainee states that hereinafter she will reside with her husband in Delhi, the parents requested the jurisdictional police to give protection to her and monitor the activities and status of her daughter for a period of six months.

7. This submission is taken on record and

Sri. Belliappa, learned SPP-I be directed to direct the jurisdictional police at Delhi to monitor the activities and -5- status of both the detainee and her husband for a period of six months, from this day and submit report. Since Mrs. Divya Kumari is not in illegal detention, the writ petition does not survive for further consideration. Accordingly, made an observation. Consequently, the writ petition stands disposed

of. Sd/- JUDGE Sd/- JUDGE AG

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