



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2022

PRESENT

THE HON'BLE MR. JUSTICE B.VEERAPPA

AND

THE HON'BLE MRS. JUSTICE K.S.HEMALEKHA

WRIT PETITION HABEAS CORPUS No.57 OF 2022

BETWEEN:

1.

...PETITIONER

(BY SMT.JAYNA KOTHARI, SENIOR COUNSEL A/W
MS. SRIRAKSHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560001.
REPRESENTED BY ITS PRINCIPAL SECRETARY,
2. STATE OF KARNATAKA
BY INSPECTOR OF POLICE,
TILAK PARK POLICE STATION,
JAIPUR,
TUMKUR-572101.
- 3.

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MALATESH K C
Location: High
Court of Karnataka



4.

...RESPONDENTS

(BY SRI THEJESH P., HIGH COURT GOVERNMENT PLEADER FOR R1 AND R2)

THIS WPHC IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, 1950, BY THE PETITIONER, PRAYING TO ISSUE A WRIT IN THE NATURE OF HABEAS CORPUS DIRECTING 2ND RESPONDENT POLICE HEREIN TO PRODUCE THE PETITIONER'S PARTNER

THIS WPHC COMING ON FOR ORDERS THIS DAY,
B.VEERAPPA J., MADE THE FOLLOWING:

O R D E R

The petitioner , who claims to be the friend of , the detenu filed the present writ petition habeas corpus, praying to direct the respondent No.2-police to produce petitioner's partner , daughter of before this Court. It is the case of the petitioner that he is aged 23 years,



a transgender, self identified as male and prefers the name

. The daughter of respondent Nos.3 and 4, i.e., aged 18 years has been in consensual relationship with the petitioner, since 2019. The respondent Nos.3 and 4 did not approve relationship with the petitioner since beginning and have resorted her to physical and emotional abuse for being in relationship with the petitioner. Ms. being unable to withstand the abuse inflicted on her, decided to leave her parents' house and came to petitioner's house to stay with him on 09.05.2022. The respondent Nos.3 and 4 were well aware of Ms. desire to live with the petitioner. The next day, 2nd respondent police called the petitioner and informed that parents had filed a kidnapping case against petitioner and therefore, asked the petitioner to bring to Police Station. When the petitioner and went to police station, the family members of forcefully separated her from petitioner and took away. It is further case of the petitioner that he is unaware of whereabouts, her safety and well being. The illegal and unlawful separation and confinement of is without the authority of law



and is in blatant violation of Article 21 of the Constitution of India. Therefore, petitioner filed the present writ petition.

2. The respondent No.2-jurisdictional police produced aged 18 years, along with her parents. When query was made by this Court, _____ stated that petitioner is only her friend and she is not willing to go with petitioner and denied the allegation made in the writ petition that she is in consensual relationship with the petitioner since 2019 and further stated that she is willing to stay with her parents. The statement made by _____ in the presence of learned counsel for the petitioner, learned Government Advocate and respondent Nos.3 and 4(parents of _____) is placed on record.

3. In view of the above, the writ petition filed by the petitioner is not maintainable and is liable to be dismissed with costs.

4. At this stage, Smt.Jaina Kothari, learned Senior Counsel submits that the petitioner may be permitted to withdraw the writ petition.



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5. Since we have already taken a decision to dismiss the writ petition, question of permitting the petitioner to withdraw the writ petition would not arise. Though we were inclined to impose cost, at the intervention of learned Senior Counsel, we deem it proper to dismiss the writ petition, with a warning to the petitioner not to repeat such acts of violating the rights of a person as contemplated under Article 21 of the Constitution of India, in future.

Accordingly, writ petition is *dismissed*.

SD/-
JUDGE

SD/-
JUDGE

kcm