

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRIMINAL) DIARY NO(S).59653/2024

ANJU DEVI

PETITIONER(S)

VERSUS

THE STATE OF KARNATAKA & ORS.

RESPONDENT(S)

O R D E R

This writ petition has been filed by the grandmother of the Minor Child - XXXX seeking the following reliefs:

"(i) Issue an appropriate writ, order or direction in the nature of habeas corpus to the Respondent No.02 to 05 herein to immediatley trace and produce the minor child - XXX XXX XXX, S/o.XXX XXX XXX XXXXXXXX, aged about 4 years and 9 months before this Hon'ble Court and to deliver his custody to the Petitioner herein.

(ii) Pass any other or further orders as this Hon'ble Court deems fit in the facts and circumstance of the case in the interest of justice and equity."

2. When the matter was taken up by this court on 20.12.2024, learned senior counsel appearing for the petitioner submitted that the whereabouts of the minor child were not known and therefore, we had directed the respondent(s)-State to ascertain about the whereabouts of the minor child. On 07.01.2025, when the matter was again taken up by this Court, we learnt that the minor child was studying in a boarding school in State of Haryana and on that date, the mother had in fact discontinued the

Boarding School Education of the child and had taken custody of the child. This was stated to be on the advice of the school.

3. Learned counsel for the respondent No.5-State of Haryana as well as respondent No.6 had submitted that appropriate affidavits would be filed with regard to the child being in the custody of the respondent No.6-Mother. Accordingly, affidavits have been filed by respondent No.5-State of Haryana as well as on behalf of the respondent No.6-Mother of the minor child.

4. Today, when the matter has been listed before this Court, we sought to interact with the child as well as respondent No.6 so as to satisfy ourselves about the wellbeing of the child and the custody of the minor child being with respondent No.6. Learned counsel for the respondent No.6 submitted that since she is travelling from Bangalore to Jaunpur via Delhi and she was at the Airport, a video call could be made to respondent No.6 so that both respondent No.6 and the minor child could be seen and this court could interact with them. Accordingly, respondent No.6 as well as the minor child appeared through the Whatsapp Video Call. In fact the uncle of the Minor child, his father's younger brother who is present in court, Sri Bikas Kumar, has also identified them.

5. In the circumstances, we are satisfied that the minor-child is with his Mother-respondent No.6.

6. However, it is noted that the respondent No.6 as

well as her mother, and brother have been granted bail and they have to comply with the conditions of bail, one of which is that on every Saturday they have to appear before the concerned Marthahalli Police Station, Bangalore. It was stated by respondent No.6 that owing to the said condition, the child has not been admitted to any school and is now presently residing with her.

7. In the circumstances, we are of the view that this writ petition would not call for any further consideration and is liable to be disposed. However, insofar as the petitioner's right to custody of the minor child is concerned, liberty is reserved to her to seek remedies in accordance with law.

8. The Writ Petition is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

....., J
(B.V. NAGARATHNA)

....., J
(SATISH CHANDRA SHARMA)

NEW DELHI
JANUARY 20, 2025

ITEM NO.34

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(CRIMINAL) DIARY NO(S).59653/2024

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PETITIONER(S)

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RESPONDENT(S)

Date : 20-01-2025 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s): Mr. Jeevesh Nagrath, Sr. Adv.
Mr. Rahul Shukla, Adv.
Mr. Kumar Dushyant Singh, AOR
Mr. Akash Jandial, Adv.
Mrs. Bachita Barah Shukla, Adv.
Mr. Ramandeep Singh, Adv.
Mr. Arjun Gaur, Adv.
Mr. Rajat Gupta, Adv.

For Respondent(s): Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.
Ms. Mythili S, Adv.
Mr. Shiv Kumar, Adv.
Ms. Vaishnavi, Adv.
Mr. Venkata Raghu Mannepalli, Adv.
Mr. Prakash Jadhav, Adv.
Mr. Ravichandra Jadhav, Adv.

Ms. Ruchira Goel, AOR
Ms. Veera Mahuli, Adv.
Ms. Ritika Rao, Adv.

Mr. Abhinav Bajaj, A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Saksham Ojha, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Fateh Singh, Adv.

Mr. Vardhman Kaushik, AOR
Mr. Dhruv Joshi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Writ Petition is disposed of in terms of the
signed order.

Pending application(s), if any, shall stand
disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on file)