



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION HABEAS CORPUS NO.105 OF 2025

BETWEEN:

AMAR SINGH DHAMI
S/O KABIR SINGH DHAMI,
AGED ABOUT 26 YEARS,
R/AT NO. 54, 1ST CROSS,
BANARGHATTA ROAD,
GUMPANAPALYA SIGNAL,
BANGALORE SOUTH,
TAVEREKERE, BANGALORE-560029.

...PETITIONER

(BY SRI. RAKSHITH R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA, BANGALORE-560 001
2. SUPERINTENDENT OF POLICE
MILLERS ROAD, BANGALORE-560 001
3. STATION HOUSE OFFICER
SURYA NAGAR POLICE STATION
BANGALORE-560 099
4. CHILD CENTER

Digitally
signed by
RAKSHA
Location:
High Court
of
Karnataka



ASSOCIATION FOR PROMOTING SOCIAL ACTION
(APSA) APSA NAMMANE, ANNASANDRAPALYA,
VIMANAPURA POST, BENGALURU-560 017

5. AMRUTHA SHISHU VIHARA
(BOYS HOME)
NO.8, FIRST STAGE,
3RD BLOCK, HBR LAYOUT,
BEHIND BESCOM OFFICE,
BENGALURU-560 043
6. CWC
REP. BY SPP
OFFICE AT CWC-1
DR.M.H.MARIGOWDA ROAD
HOSUR ROAD, BNEGALURU-560 029
7. DISTRICT LEGAL SERVICE AUTHORITY
OFFICE AT CITY CIVIL COURT COMPLEX
AMBEDKAR BEEDI, BENGALURU-01

(AMENDED AS PER VIDE ORDER DATED 10.10.2025)

...RESPONDENTS

(BY SRI. B.A.BELLIAPPA, SPP-1 WITH
SRI. THEJESH P., HCGP FOR R1 TO R6;
SRI. MONISH C.P., ADVOCATE FOR R7)

THIS WP(HC) IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF HABEAS CORPUS DIRECTING RESPONDENT NO.5 TO PRODUCE THE MINOR CHILDREN PREETHI AGED ABOUT 10 YEARS AND PRINCE AGED ABOUT 8 YEARS BEFORE THIS COURT AND HAND OVER THEIR CUSTODY TO THE PETITIONER.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This writ petition is filed by the father seeking prayer to issue a writ in the nature of habeas corpus directing the respondent No.5 to produce the minor children xxxx and xxxx aged about 8 years and 10 years, respectively and handover the custody to the petitioner who is their biological father.

2. Heard the learned counsel appearing for the petitioner, the learned State Public Prosecutor-I for the respondent Nos.1 to 6 and Sri.Monish C.P., learned counsel for the respondent No.7.

3. The petitioner filed this writ petition claiming to be the biological father of two minor children. It is averred that the petitioner's first wife Smt.Pushpa passed away in the year 2022 and thereafter, the petitioner, along with his



children was residing in Bengaluru and he was working as a Security Guard. It is further averred that in January 2023, the petitioner got married and was residing with his wife and two children. On 24.04.2023, his wife was found dead. Based on a complaint, the jurisdictional police registered a case in Crime No.134/2023 for the offence punishable under Section 302 of the India Penal Code, 1860, and the petitioner was arrested in the said crime. The letter at Annexure-B indicates that the minor children were admitted with the respondent Nos.4 and 5.

4. This Court, based on the assertions made in the writ petition, issued notice to the respondents. This Court, considering the nature of the relief sought and taking note of the fact that the two minor children are in the custody of respondent Nos.4 and 5, directed to implead the Child Welfare Committee-I, Bengaluru and the District Legal Services Authority, Bengaluru. The District Legal Services Authority represented by a counsel has filed various reports before this Court, as directed, from time to time.



The reports placed in a sealed cover indicate that both the children are safe with the respective child care homes, children are pursuing their education and the respondent Nos.4 and 5 have provided necessary medical assistance. The reports on record clearly indicate the progress made by the children with regard to their health and academics. The Child Welfare Committee-I has placed the reports of both the children which also indicate the same. It is noticed that the petitioner, after being enlarged on bail, has visited the children. The learned counsel for the petitioner fairly submits that if the petitioner is allowed to visit the children, he is not intended to continue with this proceeding. Keeping in mind the request of the petitioner who is the biological father of the two minor children and the pendency of the criminal proceedings against the petitioner and after considering the reports filed by the Authority, we are of the considered view that the writ petition deserves to be disposed of by continuing the custody of the children with the respondent Nos.4 and 5



respectively, for some time. The respondent-Authorities shall permit the petitioner to visit the children during the working hours. The respondent-Authorities are directed to provide necessary education to the children in their custody and also provide the required health assistance till the children are in their custody. Liberty is reserved to the petitioner to move the Child Welfare Committee-I for custody of the children on any changed circumstances.

5. With the aforesaid liberty and by granting a right to the petitioner to visit the minor children, the writ petition is disposed of.

6. We place on record the assistance rendered by Sri.Monish C.P., Amicus / representing the respondent No.7- District Legal Services Authority, Bengaluru, and also the assistance rendered by the learned SPP-I.

The Registry shall keep the reports filed in the above petition along with the file.



**NC: 2026:KHC:18310-DB
WPHC No. 105 of 2025**

A copy of this order shall be forwarded to the respondent Nos.4 and 5 for information and implementation.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RAK/RV
List No.: 2 Sl No.: 2