

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION (HABEAS CORPUS) NO.128 OF 2025

BETWEEN:

MRS. DEEPTHI RAMKUMAR REVANUR
AGED ABOUT 40 YEARS
DAUGHTER OF LATE T.S. NAGARAJ
RESIDING AT 961/28
FIRST FLOOR, 2ND MAIN ROAD
VIJAYANAGAR
BENGALURU-560 040

...PETITIONER

(BY SRI. KASHYAP N. NAIK, ADVOCATE)

AND:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE
GOVERNMENT OF INDIA
CENTRAL SECRETARIAT
NEW DELHI-110 011
2. UNDER SECRETARY
MINISTRY OF EXTERNAL AFFAIRS
SOUTH BLOCK
NEW DELHI-110 011
E-MAIL: SECYSOUTH@MEA.GOV.IN

Digitally
signed by
PAVITHRAN
Location,
High Court
of Karnataka

3. UNDER SECRETARY
MINISTRY OF HOME AFFAIRS
NATIONAL PORTAL SECRETARIAT
A4B4, 3RD FLOOR
NATIONAL INFORMATICS CENTRE
A-BLOCK
CGO COMPLEX
LODHI ROAD
NEW DELHI-110 003
E-MAIL: GOI@DIRECTORY.NIC.IN
4. UNDER SECRETARY
MINISTRY OF WOMEN AND CHILD PROTECTION
SHASTRI BHAWAN
DR. RAJENDRA PRASAD ROAD
NEW DELHI-110 001
E-MAIL:SECY.WCD@GOV.IN
5. JOINT DIRECTOR BENGALURU
DEPARTMENT OF WELFARE AND CHILD
DEVELOPMENT EMPOWERMENT OF DIFFERENTLY
ABLED AND SENIOR CITIZENS (KARNATAKA)
1ST FLOOR
VISVESHVARAYA MINI TOWER
DR. AMBEDKAR VEEDHI ROAD
BENGALURU-560 001
EMAIL: ICPS.KAR@GMAIL.COM

6. THE COMMISSIONER
BENGALURU CITY POLICE
OFFICE OF THE COMMISSIONER OF POLICE
NO.1, INFANTRY ROAD
BENGALURU-560 001
7. MR. RAMKUMAR REVANUR
AGED ABOUT 44 YEARS
SON OF RAGHU RAMAIAH REVANUR
PRESENTLY RESIDING AT NO.8 OUTWOODS CLOSE
WESTON STAFFORD
STAFFORDSHIRE
ST180JR
UNITED KINGDOM
EMAIL:RAMKUMAR.REVANUR@GMAIL.COM

HAVING PERMANENT RESIDENCE AT NO.1171
6TH BLOCK, HMT LAYOUT
VIDYARANYAPURA
BENGALURU-560 097
8. SECRETARY
KARNATAKA STATE COMMISSION FOR PROTECTION
OF CHILD RIGHTS
KRISHI BHAVAN, HUDSON CIRCLE
NRUPATANGA ROAD
BANGALORE-560 002
9. STATE OF KARNATAKA
REP. BY THE ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HOME

M.S.BUILDING
 DR. AMBEDKAR ROAD
 AMBEDKAR VEEDHI
 BENGALURU
 KARNATAKA-560 001

...RESPONDENTS

(BY SRI. ADITYA SINGH, ADV FOR R1 TO R4;
 SRI. THEJESH P, HCGP FOR R5, R6, R8 & R9 - STATE;
 SRI. RIDDHIMAN BAROOAH, ADV, FOR
 SMT. ANNAPOORNA S., ADV, FOR R7)

THIS WP(HC) IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF HABEAS CORPUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION COMMANDING ALL RESPONDENTS TO PHYSICALLY PRODUCE THE MINOR - MS.SONAKSHI REVANUR, DAUGHTER OF PETITIONER AND RESPONDENT NO.7 HEREIN, HOLDING INDIAN PASSPORT NO.I0380308, AN INDIAN CITIZEN BY BIRTH, AGED 11 YEARS (DATE OF BIRTH 22.03.2014) BEFORE THIS COURT.

THIS WP(HC) HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 15.06.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
 and
 HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This Writ Petition (Habeas Corpus) is filed seeking a direction, commanding all respondents to physically produce the minor daughter of the writ petitioner and respondent No.7 herein, an Indian citizen by birth, before this Court.

2. We have heard Shri. Kashyap N. Naik, learned counsel appearing for the writ petitioner, Shri. Aditya Singh, learned counsel appearing for respondents No.1 to 4, Shri. Thejesh. P, learned High Court Government Pleader, appearing for respondents No.5, 6, 8 and 9 and Shri. Riddhiman Barooah and Smt. Annapoorna S, learned counsel appearing for respondent No.7.

3. The marriage between the petitioner and respondent No.7 was solemnised in accordance with Hindu rites and customs on 01.06.2008 at Bengaluru. In the wedlock, two children were born - daughter on 22.03.2014 and son on 14.09.2021. In the year 2016, respondent No.7 moved to the United Kingdom for the purpose of his employment, and the petitioner and their minor daughter

relocated with him. During this period, the petitioner too was gainfully employed in the United Kingdom. In the year 2017, the daughter came to be diagnosed as being on the autism spectrum. The petitioner submits that for the welfare of the child, she gave up her employment and resolved to take care of their daughter full time.

4. It is also submitted by the petitioner that the marital relationship between her and respondent No.7 deteriorated, and that respondent No.7 forced her out of the matrimonial home and restricted her access to their daughter. Consequently, the petitioner moved to India with their son in April, 2023. It is contended that respondent No.7 threatened to sever all contact with the petitioner unless she signed a divorce petition on mutually agreed terms. Although the petitioner signed the same, she subsequently revoked her consent by an e-mail addressed to respondent No.7's Advocate on 02.04.2025. It is further contended that respondent No.7 filed a petition for divorce under Section 13B of the Hindu Marriage Act, 1955 on 14.06.2025 before the Principal Judge, Family Court,

Bangalore, without the knowledge, consent or presence of the petitioner. The petitioner contended that her absence is borne out by the immigration stamp, which evidences her presence in the United Kingdom from 07.04.2025 to 18.06.2025, that is, as on the date of filing of the said petition. It is further submitted that the petitioner only learnt of the pendency of the case in October 2025, through a text message from a lawyer. She returned to India with her son on 18.06.2025 and was not allowed to see her daughter after 09.06.2025.

5. It is further submitted that the petitioner contacted their daughter's former school and her current Government-sponsored special-needs residential school and discovered that the child had not attended a single day since term began on 05.09.2025. Further, the caretaker who previously looked after the child was reportedly forced out by respondent No.7, leaving the child's care arrangements unknown. It is also submitted that their daughter's whereabouts and wellbeing is unknown and given her

special-needs status, the petitioner has filed the current petition.

6. The learned counsel appearing for the petitioner contended that the unlawful denial of access to the minor daughter by respondent No.7 is a violation of Articles 14, 21 and 21A of the Constitution of India. The daughter is a special needs child with specific educational and requirements and unwarranted change in the child's environment may disrupt her progress. It is also contended that the rights of this child are protected under the Persons with Disability Act, 2016 and unexplained removal from familiar surroundings is a violation of these rights.

7. It is further contended that respondent No.7 has failed to provide maintenance to the petitioner or the minor son in India and has also forged the petitioner's signature to renew the daughter's passport. Further, respondent No.7 by denying access to their daughter, coerced the petitioner to accept the divorce conditions, demonstrating his disregard for the welfare of the child. It is further contended that the rights of the minor daughter are protected under the United

Nations Convention on the Rights of the Child to which both the United Kingdom and India are parties. Therefore, the treaty obligations pertaining to the protection of the child's welfare ought to be complied with.

8. The learned counsel appearing for the writ petitioner has placed reliance on the following decisions:-

- ***V. Ravichandran (DR.) v. Union of India & others*** reported in **(2010) 1 SCC 174;**
- ***Smt. Surinder Kaur Sandhu v. Harbax Singh Sandhu and another*** reported in **(1984) 3 SCC 698;**
- ***Dhanwanti Joshi v. Madhav Unde*** reported in **(1998) 1 SCC 112;**
- ***State of U.P. v. Bhoora and others*** reported in **(1998) 1 SCC 128;**
- ***Tejaswini Gaud and others v. Shekhar Jagdish Prasad Tewari and others*** reported in **(2019) 7 SCC 42;**
- ***Nithya Anand Raghavan v. State (NCT of Delhi) and another*** reported in **(2017) 8 SCC 454;** and
- ***Francis Coralie Mullin v. Administrator, Union Territory of Delhi and others*** reported in **(1981) 1 SCC 608.**

9. The learned counsel appearing for respondent No.7 would contend that the protective orders have been obtained from the Court in the United Kingdom where the child is ordinarily a resident, only to see that the child is not taken out of the School, where she is presently enrolled. It is further contended that the mother along with the younger child are permitted regular access to the child and that there is no question of denial of access to the mother. It is stated that it is always open to the mother to join the child in the United Kingdom and all other aspects of the matter can be worked out in the jurisdiction where the child is ordinarily a resident.

10. Further, respondent No.7 has placed on record documents evidencing the care provided by him to his daughter. Respondent No.7 has produced a letter dated 08.12.2025 from her former School, which evidences the child's regular attendance and the care taken by respondent No.7. Further, a letter dated 02.07.2025 from the child's Specialist School has been produced, which states that the

child ought not to be removed from her established routine, as any such disruption may hamper her progress.

11. We have considered the contentions advanced. The question that arises for consideration is whether the custody of the minor daughter with respondent No.7, being her father can be said to be illegal detention so as to warrant the issuance of a writ of habeas corpus. In this regard, the following decisions of the Apex Court are relied upon:-

- (i) The Apex Court in ***Tejaswini Gaud's*** case (supra), held that the writ of habeas corpus is an extraordinary remedy and that in matters of the custody of a minor the power to grant the writ is confined to cases in which the minor is detained by a person not entitled to his or her legal custody:-

"14. *Writ of habeas corpus is a prerogative process for securing the liberty of the subject by affording an effective means of immediate release from an illegal or improper detention. The writ also extends its influence to restore the custody of a minor to his guardian when wrongfully deprived of it. The detention of a minor by a person who is not entitled to his legal custody is treated as equivalent to illegal detention for*

the purpose of granting writ, directing custody of the minor child. For restoration of the custody of a minor from a person who according to the personal law, is not his legal or natural guardian, in appropriate cases, the writ court has jurisdiction.

19. *Habeas corpus proceedings is not to justify or examine the legality of the custody. Habeas corpus proceedings is a medium through which the custody of the child is addressed to the discretion of the Court. Habeas corpus is a prerogative writ which is an extraordinary remedy and the writ is issued where in the circumstances of the particular case, ordinary remedy provided by the law is either not available or is ineffective; otherwise a writ will not be issued. In child custody matters, the power of the High Court in granting the writ is qualified only in cases where the detention of a minor by a person who is not entitled to his legal custody. In view of the pronouncement on the issue in question by the Supreme Court and the High Courts, in our view, in child custody matters, the writ of habeas corpus is maintainable where it is proved that the detention of a minor child by a parent or others was illegal and without any authority of law."*

(ii) This decision has since been reaffirmed by the Apex Court in the case of ***Nirmala v. Kulwant Singh*** reported in **(2024) 10 SCC 595**. Paragraph No.23 of the judgment reads as follows:-

"23. *It can thus be seen that this Court in Tejaswini Gaud case has held that the habeas corpus is a prerogative*

writ which is an extraordinary remedy. It has been held that recourse to such a remedy should not be permitted unless the ordinary remedy provided by the law is either not available or is ineffective. It has been held that in child custody matters, the power of the High Court in granting the writ is qualified only in cases where the detention of a minor by a person who is not entitled to his legal custody. It has further been held that in child custody matters, the writ of habeas corpus is maintainable where it is proved that the detention of a minor child by a parent or others was illegal and without any authority of law."

(iii) In the case of **Syed Saleemuddin v. Dr. Rukhsana** reported in **(2001) 5 SCC 247**, the Apex Court held that in a habeas corpus petition for custody of a minor, the Court's principal consideration is to ascertain whether the present custody is unlawful and whether the child's welfare requires that it be changed. Paragraph No.11 of the judgment reads as follows:-

"11. *From the principles laid down in the aforementioned cases it is clear that in an application seeking a writ of habeas corpus for custody of minor children the principal consideration for the court is to ascertain whether the custody of the children can be said to be unlawful or illegal and whether the welfare of the children requires that the present custody should be changed and the children should be left in the care and custody of somebody else. The principle is well settled that in a matter of custody of a child*

the welfare of the child is of paramount consideration for the court. Unfortunately, the judgment of the High Court does not show that the Court has paid any attention to these important and relevant questions. The High Court has not considered whether the custody of the children with their father can, in the facts and circumstances, be said to be unlawful. The Court has also not adverted to the question whether for the welfare of the children they should be taken out of the custody of their father and left in the care of their mother. However, it is not necessary for us to consider this question further in view of the fair concession made by Shri M.N. Rao that the appellant has no objection if the children remain in the custody of the mother with the right of the father to visit them as noted in the judgment of the High Court, till the Family Court disposes of the petition filed by the appellant for custody of his children."

(iv) In ***Nithya Anand Raghavan***'s case (supra), the Apex Court that the custody of a minor with a natural guardian is to be presumed lawful, and that it is only in an exceptionable situation that such custody will be disturbed in the exercise of the writ jurisdiction while the other parent is ordinarily relegated to the substantive remedy. The relevant paragraph of the judgment is extracted below:-

"47. *In a habeas corpus petition as aforesaid, the High Court must examine at the threshold whether the minor is in lawful or unlawful custody of another person (private respondent named in the writ petition). For considering that*

issue, in a case such as the present one, it is enough to note that the private respondent was none other than the natural guardian of the minor being her biological mother. Once that fact is ascertained, it can be presumed that the custody of the minor with his/her mother is lawful. In such a case, only in exceptional situation, the custody of the minor (girl child) may be ordered to be taken away from her mother for being given to any other person including the husband (father of the child), in exercise of writ jurisdiction. Instead, the other parent can be asked to resort to a substantive prescribed remedy for getting custody of the child."

12. Even where the petition is maintainable, the jurisdiction exercised by the writ Court is summary in nature and is to be distinguished from the enquiry contemplated by the Guardians and Wards Act, 1890. Where the welfare of the child calls for a detailed enquiry, the Court may decline to exercise its extraordinary jurisdiction and relegate the parties to the Civil Court. The Apex Court in ***Tejaswini Gaud's*** case (supra), has held the following on this aspect:-

"20. *In child custody matters, the ordinary remedy lies only under the Hindu Minority and Guardianship Act or the Guardians and Wards Act as the case may be. In cases arising out of the proceedings under the Guardians and Wards Act, the jurisdiction of the court is determined by whether the minor ordinarily resides within the area on which the court exercises such jurisdiction. There are significant differences*

between the enquiry under the Guardians and Wards Act and the exercise of powers by a writ court which is summary in nature. What is important is the welfare of the child. In the writ court, rights are determined only on the basis of affidavits. Where the court is of the view that a detailed enquiry is required, the court may decline to exercise the extraordinary jurisdiction and direct the parties to approach the civil court. It is only in exceptional cases, the rights of the parties to the custody of the minor will be determined in exercise of extraordinary jurisdiction on a petition for habeas corpus."

13. We have considered the contentions advanced.

The instant case is one where as at present, there are no proceedings pending between the parties, either in the United Kingdom, where the child in question is a resident, or in any competent Family Court in India. As such, the custody of the child with her father, who is admittedly her natural guardian, cannot be held to be an illegal detention, warranting an interference of this Court or the issue of a writ in the nature of Habeas Corpus. Further, there is nothing on record to show that the girl child is not being properly looked after by her father or that there is any emergent need for the change of the custody from the legal custody of the father.

14. We are of the opinion that it is for the parties to work out their remedies in appropriate proceedings. Though, it is vehemently contended that the best interest of the child must be the primary consideration in any matter involving a minor, including a petition seeking a writ of Habeas Corpus, we are of the opinion that in the nature of adjudication which is possible in Habeas Corpus Writ Petition, the question of best interest of the child cannot be adjudicated in a case where the child is not under illegal detention.

15. In the above view of the matter, the Writ Petition (Habeas Corpus) is ***closed***.

The contentions of the parties are left open to be decided in appropriate proceedings.

All pending interlocutory application(s), if any, shall stand *disposed of*.

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

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*