



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WPHC NO. 81 OF 2025

BETWEEN:

MRS MAHESHWARI M
AGED ABOUT 72 YEARS
(SENIOR CITIZEN - BENEFIT NOT CLAIMED)
W/O LATE MR. D. MADANAKANTHAN
R/O NO. 863 7TH MAIN 3RD CROSS
HAL 2ND STAGE, INDIRANAGAR
BANGALORE-560 008.

...PETITIONER

(BY SRI. RAJESH GOWDA, ADVOCATE
VIDE COURT ORDER DATED 18.08.2025, ADVOCATE IS
NOT PERMITTED TO RETIRE)



AND:

1. THE STATE OF KARNATAKA
REP. BY ITS ADDITIONAL CHIEF SECRETARY
HOME DEPARTMENT ROOM NO. 222,
2ND FLOOR, VIDHANA SOUDHA
BANGALORE-560 001.
2. THE DGP & IGP
KARNATAKA STATE POLICE HEAD QUARTERS
NO.2, NRUPATUNGA ROAD
BANGALORE-560 001.



3. THE COMMISSIONER OF POLICE
NO.1, INFANTRY ROAD
BANGALORE-560 001.
4. THE DEPUTY COMMISSIONER OF POLICE
BANGALORE EAST DIVISION (L & O)
SHIVAJINAGAR,
BANGALORE-560 051.
5. THE ASSISTANT COMMISSIONER OF POLICE
HALASURU SUB-DIVISION ,HALASURU,
BANGALORE - 560 008
6. THE INSPECTOR OF POLICE
INDIRANAGAR POLICE STATION
INDIRANAGAR,
BANGALORE-560 038.

...RESPONDENTS

(BY SRI. FELIX, ADVOCATE FOR
SRI. S. VIJAY, ADVOCATE (NOC NOT OBTAINED),
SRI. VIJAYKUMAR MAJAGE, SPP-II ALONG WITH
SRI. THEJESH P, HCGP)

THIS WPHC IS FILED UNDER ARTICLE 226 OF
CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
HABEAS CORPUS AGAINST THE RESPONDENTS TO PRODUCE
THE MISSING PERSON BEFORE THIS HON'BLE COURT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE RAJESH RAI K

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

This habeas corpus writ petition filed for the following reliefs,

"(a) Issue a writ of Habeas Corpus against the respondents to produce the missing person before this Hon'ble Court.

(b) Grant such other reliefs, directions etc., as this Hon'ble Court deems fit to grant in the circumstances of this case in the interest of Justice and Equity."

2. It is contended by the petitioner that her son Kriplani M., (hereinafter referred as "the detenue") was missing from 07.07.2025 and she had enquired all his friends and relatives regarding her son's suspicious missing. Since she was unable to trace him, she filed a writ petition (hebaus corpus) No.71/2025 before this Court and later withdrew the same on 24.07.2025 stating that "certain erroneous statements have been made in the writ petition by oversight". Subsequently, she approached



respondent No.2 i.e., Director General and Inspector General Police, Bengaluru by filing a complaint dated 29.07.2025 to trace her son. However, as respondent No.2 or other respondents failed to trace the detainee, she once again knocked the door of this Court by filing the present petition.

3. After service of notice to the respondents through the learned SPP II, the respondent-police traced the detainee at Chennai on 05.08.2025 and produced him before this Court on 07.08.2025 and sought time to make available the materials on record.

4. On 18.08.2025, the learned SPP-II filed a report and submitted that this Habeas Corpus petition has been filed with a sole intention to harass the jurisdictional police i.e., Indira Nagara police by the mother of the alleged detainee, who is a proxy set up by the detainee himself. He further submitted at the time of filing this petition and subsequently, the detainee was in constant touch with the



persons as detailed below as per the Call Details Records submitted along with the report:

Details of contacted persons by the detainee from his mobile - 9845024807	Period of contact
Smt. Maheshwari (Detenue's Mother i.e. the Petitioner) - 9110229574	01.07.2025 to 07.07.2025
Smt. Vidya M.B (Detenue's Sister) - 9886776748	02.07.2025 to 04.08.2025
Sri. Mahendra (Detenue's Friend) - 9353394847	01.07.2025 to 04.08.2025
Detenue contacted his mother Smt. Maheshwari through his friend Sri. Mahendra.	28.07.2025 to 01.08.2025
Detenue's friend Mahendra contacted Sri. Rajesh Gowda i.e. the petitioner's advocate (9986400432).	28.07.2025 to 04.08.2025



5. Learned SPP-II further submits that the petitioner has abused the process of this Court by filing this petition through his mother for his personal vengeance with the neighbour as well as the police personnel.

6. Refuting the above contentions, the learned counsel for the complainant filed a memo along with the affidavit and a copy of the wound certificate of the detainee stating that Indiranagara Police had manhandled the detainee and he sustained grievous injuries.

7. Today, the learned SPP-II filed counter affidavit and stated that the assertion made in the affidavit of the petitioner is totally false and at no point of time, the police have neither abused nor manhandled the detainee. He submitted that after filing this writ petition, the Koramangala Police made hectic attempts to trace the detainee, who was staying at Marriot Hotel, Semmanchari, Chennai. When the police informed him to appear before this Court, he abused the police, as such, they sought the



help Chennai jurisdictional police to produce the petitioner before this Court. However, the detainee assaulted one of the police officers namely Vinod Kumar, PSI of Semmanchari Police Station. Hence, a case has registered against the detainee in the said police station in Crime No.265/2025 for the offence punishable under Section 296(b), 118(1) and 132 of Bharatiya Nyaya Sanhita, 2023. Finally the police were able to produce him before this Court on 07.08.2025. To substantiate this aspect, the copy of the FIR and pen drive containing the video footage with respect to the act of the detainee at Marriot Hotel, Chennai, is produced.

8. We have carefully perused the materials placed by either side.

9. It could be gathered from materials that the petitioner filed a habeas corpus petition before this Court in WPHC No.71/2025 for the similar relief earlier and later withdrew the same stating that "certain erroneous statements have made in the writ petition by oversight".



Subsequently, filed this writ petition by submitting a memorandum before the DGP and IGP, Bengaluru that the detainee was missing from 05.07.2025. The call details and other documents placed by the learned SPP II discloses that the detainee was in constant touch with his mother i.e., petitioner and his sister and also with his friend. Further one of his friends namely Mahendra was in contact between 28.07.2025 and 04.08.2025 with the counsel Sri Rajesh Gowda, who has filed this writ petition. The report further reveals that in order to take revenge against the Indiranagara Police i.e., respondent No.6 for not registering a case against the neighbour of the detainee based on his complaint making accusation that his neighbour used to cultivate Ganja in the second floor of his house and was causing disturbance by late night parties.

10. The report of learned SPP II clearly further reveals that the Indiranagara Police have conducted enquiry on the complaint lodged by the detainee and issued an endorsement dated 01.07.2025. It appears that



it is being dissatisfied with the same, to take revenge against the said police, the detinue colluding with his mother i.e., petitioner and others filed this habeas corpus petition. There was apparently no illegal detention and the writ petition is filed without any bonafides and is an abuse of process of court.

11. On perusal of these materials, we are of the view that the petitioner has filed this habeas corpus petition with an ulterior motive by misusing the liberty granted under the Constitution of the India. The filing of this kind of litigation should not be encouraged by this court and the same should be deprecated. We refrain from making any further comments on the conduct of the parties and the counsel for the petitioner. Accordingly, we are of the view that in order to curb frivolous and malicious invocation of habeas corpus to protect the judicial process, it is necessary to impose punitive costs on such litigants. In that view of the matter, we **dismiss** this petition by imposing costs of Rs.2,00,000/- (Rupees Two



Lakhs Only) on the petitioner who has approached this Court with unclean hands by suppression of facts. Out of the costs, Rs.1,00,000/- shall be paid to the Karnataka Legal Services Authority and the remaining amount of Rs.1,00,000/- shall be paid to the Karnataka Police Benevolent Fund by the petitioner within a period of two weeks' from the date of receipt of a certified copy of this order. On failure to deposit the amount by the petitioner as aforesaid, the Registry shall take further steps to initiate contempt against the petitioner.

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

**SD/-
(RAJESH RAI K)
JUDGE**