

IN THE HIGH COURT OF KARNATAKA AT
BENGALURU

DATED THIS THE 23RD DAY OF JANUARY, 2017

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION No.62038 OF 2016 (GM-RES)

BETWEEN:

Sri. Vasunathan,
S/o. V. Kandagang,
Aged about 51 years,
Resident of No.1/550, TPN Garden,
K. Chettipalyam,
Dharapuram Road,
Tirupur-641 608,
Tamil Nadu.

...PETITIONER

(By Shri Amar Correa, Advocate)

AND:

1. The Registrar General,
High Court of Karnataka,
Bengaluru-560 001.
2. State of Karnataka,
By the Police Inspector,
W & M Squad, CCB,
N.T. Pet,
Bengaluru-560 002.

3. Sri. Srinivas G.,
S/o. Girithamaih,
Aged about 28 years,
Nataraja Gurukula,
Somanahalli, III Block,
Kanakapura Road,
Bengaluru-560 062.
4. Kum. Pallavi Manohar,
D/o. late Manohar,
Aged about 42 years,
No.136, O.B. Chodahalli,
Udaypura Post,
Bengaluru-560 082.
5. Kum. Swamini Mala,
D/o. R. Rudrappa,
Aged about 45 years,
Resident of Nataraja Gurukula,
Somanahalli, III Block,
Kanakapura Road,
Bengaluru-560 062.

...RESPONDENTS

(By Shri R. Anitha, Government Pleader for
Respondents 1 and 2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to direct Respondent No.1 to remove the name of the daughter of the petitioner, in the digital records maintained by the High Court, as indicated in the rank of Respondent No.2 in order dated 15.06.2015 passed by this court in CrI.P.No.1599/2015, to the extent of the same not

being visible for the search engine including google or other search engines.

This Writ Petition coming on for Preliminary Hearing, this day, the court made the following:

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate.

2. The present petition is filed in the following background:

On the basis of a First Information Report lodged by the daughter of this petitioner, a case in Crime No.376/2014 was registered and investigation was taken up for offences punishable under Sections 463, 468, 469, 471, 366, 387 and 120B read with Section 34 of the Indian Penal Code, 1860 and on conclusion of the investigation, a charge-sheet was filed.

In the meantime, the daughter of this petitioner had instituted a civil suit in O.S.No.168/2014 on the file of the City Civil Judge, Bangalore, seeking a declaration that there was no marriage between her and the defendant in the said suit, and to

annul the marriage certificate issued by the Sub-Registrar. There was also a prayer for grant of perpetual injunction restraining the defendant therein from claiming any marital rights on her on the basis of the said certificate of marriage.

The defendant therein had entered appearance and the parties ultimately entered into a compromise and the suit was decreed in terms of the compromise petition on 6.3.2015. One of the terms of the compromise was that the daughter of the petitioner should withdraw her complaint resulting in registration of the aforesaid criminal case and should also request to the police to close the case and that she had undertaken not to pursue the said prosecution but extend all co-operation for termination of the complaint.

Pursuant to the said decree, the accused in the said Criminal case preferred a petition, i.e., CrI.P.1599/2015 before this court under Section 482 Cr.P.C. seeking that the proceedings be quashed in respect of the criminal case in C.C.No.6881/2015 on the file of the II Additional Chief

Metropolitan Magistrate, Bangalore. The daughter of the petitioner herein was shown as Respondent No.2 in the said petition before this court and her identity along with the address was specified in the cause title as was required procedurally. The petitioner's daughter having appeared before this court along with the petitioner herein – her father, this court by its order dated 15.06.2015 after discussing the entire background, quashed the proceedings in C.C.No.6881/2015 referred to above. The name of the petitioner's daughter and identity details are indicated in the cause-title to the said petition as Respondent No.2.

3. It is the apprehension of the petitioner's daughter that if a name-wise search is carried on by any person through any of the internet service providers such as google and yahoo, this order may reflect in the results of such a search and therefore, it is the grave apprehension of the petitioner's daughter that if her name should be reflected in such a search by chance on the public domain, it would have repercussions even affecting the

relationship with her husband and her reputation that she has in the society and therefore is before this court with a special request that the Registry be directed to mask her name in the cause-title of the order passed in the petition filed by her husband – accused in Criminal Petition No.1599/2015, disposed of on 15.06.2015. Further, if her name is reflected anywhere in the body of the order apart from the causetitle, the Registry shall take steps to mask her name before releasing the order for the benefit of any such other service provider who may seek a copy of the orders of this court.

4. However, it is made clear that insofar as the High Court website is concerned, there need not be any such steps taken. Therefore, if a certified copy of the order is applied for, the name of the petitioner's daughter would certainly be reflected in the copy of the order.

5. It should be the endeavour of the Registry to ensure that any internet search made in the public domain, ought not to reflect the petitioner's daughter's name in the causetitle of the

order or in the body of the order of this court in CrI.P.No.1599/2015 disposed of on 15.06.2015.

This would be in line with the trend in the Western countries where they follow this as a matter of rule “Right to be forgotten” in sensitive cases involving women in general and highly sensitive cases involving rape or affecting the modesty and reputation of the person concerned. The petition is disposed of accordingly.

**Sd/-
JUDGE**

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