

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SHABAZ KHAN AND OTHERS VS. NASEEMA BANU AND ANOTHER]

23.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

As per the child access and custody guidelines approved by this Court, both the parties are required to file a child custody affidavit, the format of which is enclosed with the aforesaid guidelines. Every details mentioned in the affidavit are required to be filled. The same shall be done within a period of three weeks from today. It is made clear that the affidavit shall be filed by the father of the child i.e., Shabaz Khan and the grandfather of the child, namely A.M. Muneer Hussain.

2. It is noted that the 2nd respondent had lodged a complaint in the Rajajinagar Police Station against the appellants and the police had registered a case in Crime No. 11 bar 2022 under Section 304-B read with Section 34 IPC. The police had arrested the 1st appellant – Shabaz Khan, and he was remanded to judicial custody. During that period, the minor children were in the care and custody of the appellant

Nos. 2 to 4 and other family members. However, the custody of the children were taken away by the respondents. The criminal case ended in acquittal of the accused. The prosecution has not preferred any appeal and they have given an opinion that it is not a fit case for appeal.

3. By the judgment and decree, the father of the minor children who is the appellant No. 1 has been declared as the guardian of the persons of the minor children i.e., Amairah Fathima and Haramine Fathima. Visitation rights have been permitted to the appellant Nos. 1 to 4 and the appellant No.1 was directed to continue to pay the monetary assistance as was ordered in the IA No. 8 in the Guardians and Wards case. It was directed that after the completion of the final exams of the children of the academic year 2025-26, the appellants would file a formal application on the basis of the decree for extending the frequency of visitation and sharing custody of minor children depending on the circumstances.

4. It is the contention of learned counsel for the appellant that the respondents are restraining the appellant from interacting with the children. Therefore, under the circumstances, certain directions have to be considered.

5. We note from the statement of objections filed that the children are shown in the photographs as hugging the respondents and not interacting with the appellant No.1 or the other appellants. It appears that the children are being tutored. Therefore, the necessity of filing the aforesaid affidavit exists.

6. It is made clear that if the affidavit is not filed by the next date of listing, suitable action shall be initiated against the defaulting parties including contempt of court proceedings.

7. List this case on 16.03.2026.

(JAYANT BANERJI)
JUDGE

(T.M.NADAF)
JUDGE

KGR
List No.: 2 Sl No.: 5