

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

SATURDAY, THE 20TH DAY OF DECEMBER 2014/29TH AGRAHAYANA, 1936

WP(CrI.).No. 513 of 2014 (S)

PETITIONER(S):

**P.K.MUKUNDAN, AGED 56 YEARS
S/O.LATE KRISHNANKUTTY, PATHISSERY HOUSE
KARAYAVATTAM VIA, P.O.VALAPAD, THRISSUR DISTRICT.**

**BY ADVS.SRI.C.R.REKHESH SHARMA
SRI.A.HAROON RASHEED**

RESPONDENT(S):

- 1. SUPERINTENDENT OF POLICE
THRISSUR, O/O. SUPERINTENDENT OF POLICE, CIVIL STATION
AYYANTHOLE, THRISSUR-03.**
- 2. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM-695001.**

BY PUBLIC PROSECUTOR SMT. KOCHUMOL KODUVATH

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20-12-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(Crl.).No. 513 of 2014 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE PETITION DATED 8.12.2014, SUBMITTED BY THE WIFE OF PETITIONER BEFORE R1.**
EXHIBIT-P2: TRUE COPY OF THE PETITION DATED 9.12.2014, SUBMITTED BY THE WIFE OF PETITIONER BEFORE S.I. OF POLICE VALAPAD.
EXHIBIT-P3: TRUE COPY OF THE PETITION DATED 9.12.2014, SUBMITTED BY THE WIFE OF PETITIONER C.I. OF POLICE VALAPAD.

RESPONDENT(S)' EXHIBITS : NIL

OKB.

//TRUE COPY//

P.A. TO JUDGE.

V.K.MOHANAN & K.HARILAL, JJ.

WP{Crl.) No.513 of 2014

Dated this the 20th day of December, 2014

JUDGMENT

Harilal, J.

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of habeas corpus directing the respondents to produce the body of the detenue by name Ramya Mukundan before this Court and to set her at liberty. The petitioner is the father of the detenue Ramya Mukundan, aged 26 years, who is a student of Carmel Engineering College, Ranni. According to the petitioner, it appeared that she got acquainted with one Sjikumar @ Abhi studying in Neyyattinkara. But the petitioner does not know the whereabouts of the said person. The petitioner is an NRI working for the livelihood of his family. On 2/12/2014, the petitioner's wife Mrs. Thara Mukundan along with the alleged detenue went to Bangalore to stay with the petitioner's son, who is a student having his examinations going on. On 7/10/2014 at about 5.30 p.m. the petitioner's daughter, the alleged detenue, had gone out to fetch the dried clothes, but she did not return

back. On enquiry, it was found that a few new clothes and belongings of her also were found missing from the house. Within no time, the mother received a call from a mobile, No.8301822198, and Ramya told her mother that she is leaving with her lover and do not search for her. According to the petitioner, she left away at the instigation of the said Sijikumar @ Abhi. According to the mother, two years back, the said person had called the petitioner and claimed that he was in love with the detainee and wanted to marry her. The petitioner strongly objected the same and according to him, the said Sijikumar is a married man having a child also. The petitioner believes that the detainee is under the illegal custody of the said Sijikumar. In the above circumstances, the petitioner has no remedy other than approaching this Court invoking jurisdiction under Article 226 of the Constitution of India for the relief referred above.

2. When we admitted the writ petition, the learned Government Pleader was directed to get instruction. Today, the 1st respondent produced the alleged detainee before us. The petitioner and his wife are also present before us. We interacted with all of them. The alleged detainee submitted

before us that she left away from the company of her parents to join with the said Sijikumar @ Abhi, with whom she was in love and now she is residing along with the parents of the said Sijikumar in accordance with her own will and wish. She is not under the illegal custody of the said Sijikumar as alleged in the writ petition. When the detenue herself appeared before us and submitted that she is not under the illegal custody of the said Sijikumar or any other person, this Court lacks jurisdiction to issue a writ of habeas corpus or any order or direction as prayed for in this case. Hence this writ petition will stand closed.

Sd/-
(V.K.MOHANAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

okb.

//true copy//

P.A. to Judge.