

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
&
THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 26TH DAY OF DECEMBER 2014/5TH POUSHA, 1936

WP(Cr1.).No. 529 of 2014 (S)

PETITIONER(S):

SAFAL SASIDHARAN AGED 24 YEARS
S/O. SASIDHARAN, ANIKKUNNU PUTHEN PURAYIL HOUSE
ARUNOOTTIMANGALAM P.O., MULAKKULAM VILLAGE
VAIKKOM THALUK, KOTTAYAM DISTRICT.

BY ADVS.SRI.R.SURAJ KUMAR
SRI.S.PREM ANAND
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIATE
THIRUVANANTHAPURAM.

2. THE DISTRICT POLICE CHIEF
KOTTAYAM DISTRICT.

3. THE SUB INSPECTOR OF POLICE
VELLOOR P.O., KOTTAYAM DISTRICT - 686 609.

4. SEBASTIAN
PARAMATTATHIL HOUSE, KATTAMPAKKU, NJEEZHUR P.O.
KOTTAYAM - 686 612.

R1-R3 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED
GOVERNMENT PLEADER SRI.PADMARAJ

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
26-12-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 529 of 2014 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE CERTIFICATE OF MARRIAGE DT. 20.11.14.
P2 - TRUE COPY OF THE SAID COMPLAINT DT. 21.12.14.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

A.M.SHAFFIQUE & K.HARILAL, JJ

W.P(Crl.).No.529 of 2014

Dated this the 26th December, 2014

JUDGMENT

Shaffique, J.

The alleged detenu is produced before this Court. When we interrogated, she submitted that she was living voluntarily with her parents. It is admitted that she married the petitioner and she had gone to her parental house to ensure that she would get consent of her parents.

2. When we asked the detenu, she informed us that she did not have any contact with the petitioner after she left him. When we asked whether she intends to talk with the petitioner, she suddenly agreed and they had conversation for a few minutes. Later when the case was taken up again, the detenu informed that she would like to go with the petitioner. We also talked with the parents of the detenu, who said that they cannot accept the marriage.

3. The fact remains that the petitioner has married the detenu and she is ready and willing to go with him. It is always open for the detenu to take appropriate decision, as she is a major and she has contracted a valid marriage. On the facts available, it is clear that she was not in the illegal custody of her parents.

4. Accordingly, we do not find any reason to pass any further orders, since it is always open for the detenu to live in accordance with her wish.

The Writ Petition is closed.

A.M.SHAFFIQUE, JUDGE

K.HARILAL, JUDGE

vgs26/12/14