

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 27750 of 2015 (P)

PETITIONER(S) :-

1. MUHAMMED SHAFEEQUE M., AGED 25 YEARS
S/O.KUTTAN, MALIYEKKAL HOUSE, KOORIYAD
INDIYANOOR P.O., KOTTAKKAL, MALAPPURAM DISTRICT.
2. SALEENA K. AGED 33 YEARS
W/O.MUHAMMED SHAFEEQUE, KAPPAN HOUSE, CHERUR P.O.,
MALAPPURAM, PIN-676 304.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI

RESPONDENT(S) :-

1. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN-695 001.
2. THE SUB INSPECTOR OF POLICE
KOTTAKKAL POLICE STATION, MALAPPURAM, PIN-676 503.
3. KUTTAN
S/O.KUNJELU, MALIYEKKAL HOUSE, KOORIYAD
INDIYANOOR P.O., KOTTAKKAL, MALAPPURAM DISTRICT
PIN-676 503.

R3 BY ADV. SRI.C.K.MOHANAN
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-09-2015 ALONG WITH W.P.(Cr1)391/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C) .No. 27750 of 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 19-8-2015
ISSUED BY THE MARRIAGE OFFICER/SUB REGISTRAR, TIRURANGADI.

EXT.P2 : TRUE COPY OF THE CERTIFICATE OF CONVERSION ISSUED BY
THARBIYATHUL ISLAM SABHA DT 19-5-2015.

EXT.P3 : TRUE COPY OF THE JUDGMENT IN WP(CRL) NO.318/2015 DT
21-7-2015 OF THIS HON'BLE COURT.

EXT.P4 : TRUE COPY OF THE REPRESENTATIONS DT 13-9-2015
ADDRESSED TO THE RESPONDENTS 1 AND 2.

EXT.P4(a) : TRUE ENGLISH TRANSLATION OF EXT P4.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

**W.P.(Crl) No.391 of 2015
and
W.P.(C) No.27750 of 2015**

Dated this the 25th day of September 2015

J U D G M E N T

Shaffique, J.

W.P.(Crl) No.391 of 2015 has been filed as a Habeas Corpus by the petitioner alleging that his younger son, Jinesh M., is under the illegal custody of the 5th respondent and others. It is stated that the 5th respondent is a Muslim woman and a divorcee and respondents 6 and 7 are her brother and mother. Respondents 8 and 9 are her close relatives.

2. The respondents were asked to produce the detainee before the Court and by an interim order dated 17.9.2015, this Court had permitted the detainee to go with his parents. It was also observed that if his wife, the 2nd petitioner in W.P.(C) No.27750 of 2015, was willing to go with him, she will also be permitted to reside in the house of the parents of the detainee.

3. W.P.(C) No.27750 of 2015 has been filed by the alleged detainee along with his wife, Saleena K. In the said writ petition, the detainee sought for police protection on the allegation that the 3rd respondent, who is the petitioner in W.P.(Crl) No.391 of 2015

-: 2 :-

along with certain persons in the locality are threatening and not permitting them to live together as husband and wife.

4. When both these matters came up for hearing, we have interacted with the alleged detainee as well as the aforesaid Saleena K. The detainee submits that he was not under the illegal custody of any person and he intends to live with his father. The detainee also had a private talk with Saleena K. and according to them, they have decided to live together. Since both the parties have arrived at a proper settlement and since the detainee is not under the illegal confinement, we do not think it necessary to issue any direction as sought for in the Habeas Corpus petition or in the police protection matter.

Accordingly, both the writ petitions are closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE