

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 31008 of 2015 (A)

PETITIONER(S):

- 1. K.T.JOSEPH, AGED 64 YEARS,
S/O.K.V.THOMAS, RESIDING AT KANIYARASSERIL HOUSE,
ELAMKADU P.O., ELAMKADU, KANJIRAPALLY,
KOTTAYAM DISTRICT.**
- 2. SEBIN JOSEPH, AGED 24 YEARS,
S/O.K.T.JOSEPH, RESIDING AT KANIYARASSERIL HOUSE,
ELAMKADU P.O., ELAMKADU, KANJIRAPALLY,
KOTTAYAM DISTRICT.**
- 3. LEONA GEORGE FERNANDEZ, AGED 20 YEARS,
D/O.GEORGE.H.FERNANDEZ,
RESIDING AT KANIYARASSERIL HOUSE, ELAMKADU P.O.,
ELAMKADU, KANJIRAPALLY, KOTTAYAM DISTRICT
FROM LIZZ COTTAGE, SAKTHIKULANGARA P.O.,
SAKTHIKULANGARA, KOLLAM DISTRICT.**

**BY ADVS.SRI.R.NIKHIL
SMT.P.K.PAMALA
SRI.P.ABDUL RAZAK**

RESPONDENT(S):

- 1. THE DEPUTY SUPERINTENDENT OF POLICE PONKUNNAM,
PONKUNNAM, KOTTAYAM DISTRICT-686 506.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KANJIRAPALLY CIRCLE, KANJIRAPALLY,
KOTTAYAM DISTRICT-686 507.**
- 3. THE SUB INSPECTOR OF POLICE,
MUNDAKKAYAM POLICE STATION, MUNDAKKAYAM,
KOTTAYAM DISTRICT-686 513.**
- 4. GEORGE H FERNANDEZ, AGED 50 YEARS,
S/O.HENRY FERNANDEZ, RESIDING AT LIZZ COTTAGE,
SAKTHIKULANGARA P.O. SAKTHIKULANGARA,
KOLLAM DISTRICT-691 581.**

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5. THRESSIAMMA, AGED 42 YEARS,
W/O.GEORGE H FERNANDEZ, RESIDING AT LIZZ COTTAGE,
SAKTHIKULANGARA P.O., SAKTHIKULANGARA,
KOLLAM DISTRICT-691 581.

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE 3RD PETITIONER.

EXHIBIT-P2: A TRUE COPY OF THE AGREEMENT DT. 05.10.2015. ALONG WITH ITS TRANSLATION

EXHIBIT-P3: A TRUE COPY OF THE RECEIPT BEARING NO.AQ0092345 ISSUED BY THE MARRIAGE OFFICER, POONJAR.

EXHIBIT-P4: A TRUE COPY OF THE COMPLAINT DT. 08.10.2015 SUBMITTED BEFORE THE RESPONDENTS 1 TO 3.

EXHIBIT-P5: A TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31008 of 2015

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Dated this, the 19th day of October, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to respondents 4 and 5 in view of the judgment which is being passed.

2. Petitioners' case is that petitioners 2 and 3 have decided to live together and steps were taken for performing their marriage. Obstruction is alleged to have been created by respondents 4 and 5, who are the mother and father of the 3rd petitioner.

3. Learned Government Pleader after obtaining instructions submits that Crime No.1714/15 has been registered regarding missing of the third petitioner and it is for the petitioners to appear before the Police Station/Competent Magistrate to get their statement recorded. Learned counsel for

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-:2:-

the petitioners submits that petitioners 2 and 3 are ready to appear before the police authorities/competent Magistrate to get their statement recorded.

Recording the aforesaid, we close the writ petition with liberty to petitioners 2 and 3 to appear before the Magistrate for recording their statement. We further observe that the police authorities shall provide adequate protection for the petitioners to appear before the Magistrate when their statements are recorded.

(sd/-)

ASHOK BHUSHAN, CHIEF JUSTICE

(sd/-)

A.M. SHAFFIQUE, JUDGE

Rp

19/10/2015

True Copy

PS to Judge