

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(Crl.).No. 394 of 2014 (S)

PETITIONER:

**SURESH,
AGED 55 YEARS, S/O MOSHA,
ANJANA BHAVAN, PARAVILA
MUNDELA P.O, NEDUMANGAD,
THIRUVANANTHAPURAM 695543**

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695001**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACADU, THYCADU P.O
THIRUVANANTHAPURAM 695014**
- *3. THE SUB INSPECTOR OF POLICE,
ARYANAD POLICE STATION, ARYANAD P.O
NEDUMANGADU, THIRUVANANTHAPURAM-695542**
- 4. ANEESH,
S/O THANKASWAMY, CHALAIKONAM, NEAR LUDHER CHURCH
MUNDELA P.O, NEDUMANGAD, THIRUVANANTHAPURAM 695543**

**R1 TO R3 BY ADVS. SRI. T.ASAF ALI, DGP &
SMT. KOCHUMOL KODUVATH, SR. GOVT. PLEADER.**

***[CAUSE TITLE OF R3 IS CORRECTED AS PER ORDER DATED 30-09-2014 IN IA
No.13241/2014 IN WP (CR) No.394/2014.]**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 02-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 - TRUE COPY OF THE FIR DATED 17-07-2014 IN CRIME NO 858/2014.

**EXHIBIT P2 - TRUE COPY OF THE COMPLAINT DATED 24-07-2014 FILED BEFORE
THE 2ND RESPONDENT**

EXHIBIT P3 - TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

W.P (Crl.) No. 394 OF 2014

DATED THIS THE 2nd DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

The petitioner is seeking a writ of Habeas Corpus directing for production of the corpus of his daughter Miss. Anjana, aged 23 years, and set her at liberty. Allegation is that Miss. Anjana who was a student of computer course in KELTRON, Thiruvananthapuram is missing since 16-07-2014 onwards. The petitioner got information that the 4th respondent had taken the alleged detainee to some unknown place. Based on a complaint lodged by the petitioner the 3rd respondent had registered Crime No.858/2014 under Section 57 of the Kerala Police Act. But it is alleged that the investigation is not conducted with any seriousness. This writ petition is filed based on the specific allegation that daughter of the petitioner Miss. Anjana is illegally confined by the 4th respondent against her will.

2. Pursuant to orders issued by this court, various statements were filed before this court by respondents 2 and 3. In a statement filed by the 2nd respondent on

08-12-2014 it is revealed that Ext.P3 crime was investigated at Aryanad Police Station and it was revealed that the alleged detainee, Miss. Anjana as well as the 4th respondent are missing since 16-07-2014 onwards. It is stated that a special team was constituted for the investigation of the case and enquiries were made at different places within the State, as well as outside the State in order to trace out the missing persons. It is also reported that with respect to missing of the 4th respondent another crime was also registered as Crime No.553/2015 at Aruvikkara Police Station under Section 57 of the Kerala Police Act. It is mentioned that investigation of the case was taken over by the 3rd respondent by utilizing service of the 'Cyber cell' and intensified attempts were made to trace out the missing persons. 'Look out notices' containing photographs of the missing persons were published in all Malayalam and English Newspapers and visual medias within southern States of India. It is further mentioned that by virtue of order dated 23-11-2014 of the Inspector General of Police, Thiruvananthapuram Range, a special team was constituted under leadership of the Deputy Superintendent of Police, Nedumangad for investigation of the cases. Members of the special squad had visited various places

including Chennai, Bangalore etc. and thorough investigation was also made within the State at various places. It is also mentioned that large number of persons were questioned in connection with the investigation.

3. Subsequently the 3rd Respondent had filed different statements dated 29-01-2015, 19-03-2015, 08-04-2015, 30-04-2015, 26-05-2015 and 30-06-2015. All the above statements would indicate that earnest efforts were taken by the investigating agency to find out the missing persons. But it is conceded that no information helpful to trace out whereabouts of the missing persons has been received till date. However, it is mentioned that vigorous investigation is being pursued.

4. Under the above mentioned circumstances it is evident that the daughter of the petitioner, Miss. Anjana had eloped with the 4th respondent and she is living somewhere along with him. Learned Government Pleader appearing on behalf of respondent 1 to 3 submitted that the petitioner had filed another writ petition as W.P (c) No.14970/2015 seeking relief to the extent of entrusting the investigation of the case with some other agency. However, this court is of the considered opinion there is absolutely no materials available to arrive at a conclusion that

the alleged detainee, Miss. Anjana is in any manner illegally confined by the 4th respondent. Therefore we are not inclined to issue any order in the nature of a writ of Habeas Corpus.

5. Therefore, this writ petition is disposed of by directing respondents 2 & 3 to pursue the investigation with all earnestness to trace out the missing persons at the earliest possible. It is also made clear that the petitioner will be at liberty to pursue the other writ petition already filed by him seeking appropriate relief with respect to investigation of the case registered.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge