

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(Crl.).No. 461 of 2014 (S)

PETITIONER:

IRSHAD B.K. AGED 23 YEARS
S/O.ISMAIL, B.K.HOUSE, ARAI VATTATHODE
KANJANGAD SOUTH PO, KASARGOD DISTRICT

BY ADVS.SRI.SALIM V.S.
SRI.P.V.JEEVESH
SRI.H.NUJUMUDEEN

RESPONDENT(S) :

1. SUB INSPECDTOR OF POLICE, HOSDURG
POLICE STATION, KASARGOD DISTRICT 671 319.

2. THE DISTRICT POLICE CHIEF
KASARGOD DISTRICT 671 319.

3. SUPERINTENDENT
GOVT.MAHILA MANDIRAM, PARAVANADUKKAM
KASARAGOD 671 319

4. SUKUMARAN
S/O.KUNJIKKANNAN, VATTATHODE HOUSE, KANGANGADU SOUTH
HOSDURG, KASARGOD DISTRICT, PIN 671 315

R1-R3 BY ADV. ADDL.DIRECTOR GENERAL OF PROSECUTION
R4 BY ADV. SRI.C.K.MOHANAN
R BY GOVERNMENT PLEADER SHIBU JOSEPH

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 461 of 2014 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 COPY OF THE FIR IN CRIME 1130/2014

EXHIBIT P2 COPY OF THE REPORT SUBMITTED BY THE IST RESPONDENT

EXHIBIT P3 COPY OF THE STATEMENT RECORDED BY THE HON'BLE JUDICIAL
FIRST CLASS MAGISTRATE COURT, HOSDURG

EXHIBIT P4 COPY OF THE COMPLAINT DATED 3/11/2014

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

PS TO JUDGE

V.K.MOHANAN & P.D.RAJAN, JJ

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WP(Crl)No.461 of 2014
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Dated 9th JANUARY, 2015

JUDGMENT

V.K.MOHANAN, J

The petitioner, who is a final year B.com student of Ambedkar Arts and Science College, Kasargode preferred the above writ petition claiming that himself and the daughter of the 4th respondent, Miss Sumitha were in love for the last six years and on getting information about the love affair between the petitioner and the said Sumitha, 4th respondent and his wife compelled the said Sumitha to marry another man against her wish. So, according to the petitioner, the said Sumitha eloped with him on 28.10.2014 and on the basis of the complaint filed by the 4th respondent, a crime was registered and thereafter, the petitioner and the said Sumitha appeared before the first respondent, S.I of Police, Hosdurg on 29.10.2014 and thereafter, she was produced before the Judicial First Class Magistrate, Hosdurg where also her statement was recorded. As the said Sumitha was not prepared to go along with her parents, learned Magistrate sent her to Government Mahila Mandiram and directed the Superintendent of the said Mandiram to give shelter and

protection to her. However, it is alleged that on 01.11.2014, she was forcibly taken from the Mahila Mandiram with the support of the 4th respondent by the third respondent and his henchmen and thereafter the girl was detained in some anonymous place and though the petitioner filed complaint before respondents 1 and 2, there was no proper response and therefore he preferred the above writ petition under Article 226 of the Constitution of India praying inter alia to issue a writ of habeas corpus directing the respondents to produce the detainee, Miss Sumitha before this court and set her at liberty.

2. When the writ petition came up for consideration, while issuing notice to 4th respondent, he was directed to produce Miss Sumitha before this court on 17.11.2014 and respondents 1 to 3 were directed to see that the said direction has been complied with. Thereafter, this court passed interim orders on 17.11.2014 and on 18.12.2014 which forms part of this judgment.

3. In terms of the order dated 18.12.2014, and in full compliance with the directions contained therein, petitioner was well as the alleged detainee appeared before the Marriage Officer, Hosdurg on 29.12.2014 and thereafter the marriage

between the petitioner and Miss Sumitha has been registered under the provisions of the Special Marriage Act, 1954.

4. Today, when the matter was taken during the morning session, we ordered the detinue to be produced before us. Accordingly, the detinue is produced at 2 pm and the petitioner is also present. When we interacted with them, both of them submitted before us that in pursuance to the notice issued by them under the provisions of Special Marriage Act, the marriage has been formally registered under the provisions of Special Marriage Act on 29.12.2014 and the petitioner handed over the certified copy of the Certificate of Marriage dated 29.12.2014 issued by the Marriage Officer, Hosdurg. As per the above registered marriage, the petitioner and the so called detinue have now become husband and wife and they submitted before us that they are going to reside in the house of the petitioner as man and wife. As discernible from the earlier orders issued by this court, Miss Sumitha deposed before us that she was in love with the petitioner for the last six years and according to her own will, she went with the petitioner on 28.10.2014 and she had no interest to go along with her parents. The above stand taken by the

detenue has been materialized as per the marriage between herself and the petitioner. Therefore, the detenue is at liberty to go according to her will and desire and she is not under the illegal custody of anybody.

That being the position, no further orders are necessary in this writ petition and the same is accordingly closed.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

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