

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 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

W.P.(CrI.).No. 482 of 2014 (S)

PETITIONER(S):

**JOYAL JOSHY, AGED 25 YEARS,
S/O JOSHY P.P., PARAKKAL HOUSE,
CHATHANAD, EZHIKKARA P.O.,
N. PARAVUR 683 513.**

**BY ADVS.SRI.SAJIV.C.KRISHNAN
SRI.AJOY VENU**

RESPONDENT(S):

- 1. COMMISSIONER OF POLICE,
KOCHI, ERNAKULAM DISTRICT - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
NORTH KASBA POLICE STATION, ERNAKULAM-682 018.**
- 3. PRABHAKARAN,
ARASAMARAM, PILLAIYAR KOVIL STREET,
SALEM. PIN - 636 001.
TAMIL NADU STATE.**

**R1 & 2 BY GOVERNMENT PLEADER SRI. P.S.ABDUL KAREEM
R3 BY ADV. SRI.C.K.MOHANAN**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

W.P.(Crl.).No. 482 of 2014 (S)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE RECEIPT NO 943/PTN/13 AB3 DATED 11-07-2013.

**EXHIBIT P2 COPY OF THE MESSAGE RECEIVED FROM MOBILE PHONE HAVING
SIM NO 09677224181 OF THE DETENUE TO THE PETITIONER.**

**EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 25-11-2014 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S.TO JUDGE

St/-

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

W.P.(Crl.) No.482 OF 2014

Dated this the 23rd day of January, 2015

JUDGMENT

V.K.Mohanan, J.

This writ petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus or any other appropriate writ, order or direction directing the 1st and 2nd respondents to produce the detenu, namely Prathibha, D/o. Prabhakaran, from the illegal detention of the 3rd respondent, before this Court and set her at liberty.

2. Read the earlier orders passed by this Court on 28.11.2014, 04.12.2014, 08.12.2014, 12.01.2015 and 20.01.2015.

3. In terms of our order dated 20.01.2015, the petitioner as well as the detenu appeared before us and the petitioner handed over a certificate of marriage dated 21.01.2015 issued by the Marriage Officer, North Paravur, under Section 13 of the Special Marriage Act, 1954. We have interacted with the petitioner as well as the detenu and they

submitted that they have undergone the proceedings as per the Special Marriage Act and married each other. Thus, it is crystal clear that in view of the above referred interim orders of this Court, the situation prevailed at the time of filing the above writ petition has totally changed and now the so called detenu became the wife of the petitioner.

4. In the light of the above facts and circumstances, we are of the view that, as the so called detenu is not under illegal custody of anybody, this writ petition can be closed, permitting her to go according to her desire, particularly when she is the wife of the petitioner, in view of the above marriage certificate.

This Writ Petition (Crl.) is closed.

Sd/-
V.K.MOHANAN
JUDGE

Sd/-
P.D.RAJAN
JUDGE

//true copy//

P.S. To Judge

st/-